THE CHARTER

AND

ORDINANCES

OF THE

CITY OF ROCKLAND,

TOGETHER WITH THE

Boundaries of the Several Wards, Regulations Respecting Gunpowder and the City Liquor Agency, List of Town Officers from 1848 to 1854, a Catalogue of the City Government from 1854 to 1870, a List of City Officers and their Duties, Instructions to Ward Officers, and an

ABSTRACT OF THE LAWS,

RELATING TO THE

Powers and Duties of Cities and Towns.

PUBLISHED BY ORDER OF THE CITY COUNCIL.

ROCKLAND:
PRINTED AT THE FREE PRESS OFFICE.
1871.

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CITY OF ROCKLAND.

IN BOARD OF ALDERMEN, March 23, 1869.

Ordered, The Common Council concurring, That Alderman Kimball, Councilman Pillsbury, and the City Clerk, be and hereby are appointed a Joint Special Committee for the purpose of revising the Ordinances of the city, and also to subjoin thereto a brief synopsis of the laws relating to and bearing upon City Government.

Read and passed. Sent down for concurrence.

Attest: Z. POPE VOSE, *City Clerk.*

IN COMMON COUNCIL, March 23, 1869.

Passed in concurrence.

Attest: ENOCH DAVIES, *Clerk.*

IN BOARD OF ALDERMEN, Nov. 2, 1869.

Ordered, The Common Council concurring, That the Joint Special Committee to revise the City Ordinances, appointed March 23, 1869, be and are hereby instructed to procure the printing of one thousand copies of the City Charter and the acts additional thereto; the Revised Ordinances, the Regulations adopted by the Mayor and Aldermen respecting the keeping and sale of Gunpowder; the Revised Joint Rules and Orders of the City Council, and the Rules and Orders of the two Boards;* the Boundaries of the several Wards; a list of City Officers to be elected or appointed; a list of the Officers of the town of East Thomaston and Rockland, from 1848 to 1854; a catalogue of the City Government from the incorporation of the city to the present time; an Abstract of the Laws relating to Elections, and the Powers and Duties of Cities and Towns, and Instructions to Ward Officers, the whole properly arranged and provided with an index and marginal notes.

Read and passed. Sent down for concurrence.

Attest: Z. POPE VOSE, *City Clerk.*

IN COMMON COUNCIL, Nov. 2, 1869.

Read and passed in concurrence.

Attest: ENOCH DAVIES, *Clerk.*

A true copy. Attest: Z. POPE VOSE, *City Clerk.*

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* Omitted by subsequent order of City Council.

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CITY CHARTER.

AN ACT TO INCORPORATE THE CITY OF ROCKLAND.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. The inhabitants of the town of Rockland, in the County of Lincoln, shall continue to be a body politic and corporate, by the name of the City of Rockland, and as such, shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises, and be subject to all the duties and obligations now appertaining to, or incumbent on said town, as a municipal corporation, or appertaining to, or incumbent upon, the inhabitants or selectmen thereof; and may ordain and publish such acts, laws and regulations, not inconsistent with the constitution and laws of this State, as shall be needful to the good order of said body politic; and may impose fines and penalties for the breach thereof, not exceeding twenty dollars for any one offence, which may be recovered to the use of said city, by action of debt, or on complaint before the police court of said city.

Corporate name.

Rights, powers, privileges, and franchises.

May ordain acts, laws, and regulations.

May impose fines and penalties.

SECT. 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate, to be styled the Mayor, and one Council of seven, to be denominated the Board of Aldermen, and one council of twenty-one, to be denominated the Common Council; all of whom shall be inhabitants of said city; which boards shall constitute and be called the City Council; all of whom shall be sworn to the faithful performance of the duties of their respective offices. *Provided*, the City Council shall not vote, assess, or appropriate any money, for any object or purpose, for which the town of Rockland is not authorized to vote, assess or appropriate money, except for such purposes as are authorized by this act; and *provided further*, that neither the City Council nor any agent or officer of the city, shall borrow or hire money for or on account of the city or inhabitants thereof, except for the purposes for which the town of Rockland is now, by law, authorized to

Fiscal, prudential and municipal affairs to be vested in the Mayor, Aldermen, and Common Council.

Proviso.

Power of officers or agents to borrow money limited.

raise money; and all notes, bonds, obligations, scrip, or orders, given by the City Council, or any officer or agent thereof, for money or property obtained for any other purpose shall be void.

Duty of Mayor.

SECT. 3. The Mayor of said city shall be the chief executive officer thereof; it shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced; to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the Board of Aldermen and Common Council, or either of them, when in his opinion the interests of the city require it, by a notice in one or more of the papers, or by causing a summons or notification to be given in hand or left at the last and usual place of abode of each member of the board or boards to be convened. He shall from time to time communicate to both of them such information, and recommend such measures as the business and interests of the city may require. He shall preside in the Board of Aldermen, and in the joint meetings of the two boards, but shall have only a casting vote. The salary of the mayor shall be two hundred dollars per year, which shall not be increased or diminished during his continuance in office, unless by the votes of the qualified electors in ward meetings called for the purpose. Nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency; *Provided, however*, the City Council may elect the Mayor to any city office and allow him a reasonable compensation for such service. But the Aldermen and Common Councilmen shall receive no compensation for their services as such.

May call special meetings of the City Council.

To preside in the Board of Aldermen.

Salary.

Proviso.

Aldermen and Common Councilmen to receive no salary.

SECT. 4. The executive powers of said city generally, and the administration of police, with all the powers of the selectmen of the town of Rockland, shall be vested in the Mayor and Aldermen as fully as if the same had been herein particularly enumerated; all other powers now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the Mayor and Aldermen and Common Council of said city, to be exercised by concurrent vote; each board to have a negative upon the other, but all elections of officers by the City Council shall be by joint ballot of the two boards in convention. The City Council shall annually, on the second Monday in March, or as soon thereafter as may be convenient, elect and appoint for the ensuing year, all the subordinate officers and agents for the city, including a chief of police, to be styled the City Marshal, who shall also be elected constable, a Chief Engineer, and other necessary engineers of the Fire Department, which chief engineer, and in his absence the subordinate engineers, shall have all the powers, and authority that fire wards now

Powers vested in Mayor and Aldermen.

Powers vested in City Council.

Election of officers by the City Council to be by joint ballot.

Subordinate officers.

City Marshal to be elected constable.

Powers of Engineers of Fire Department.

have; shall define their duties, fix their compensation, and may, by concurrent vote, remove officers, when in their opinion sufficient cause for their removal exists. All officers shall be chosen and vacancies supplied for the current year, except as herein otherwise provided. All the said subordinate officers and agents shall hold their offices during the ensuing year and until others are elected and qualified in their stead, unless sooner removed by the City Council, and all monies received and collected for and on account of the city by any officer or agent thereof shall forthwith be paid into the City Treasury. The City Council shall take care that monies shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability by requiring bonds with sufficient penalties and sureties from all persons trusted with the receipt or custody of the public money, shall have the care and superintendence of the city public buildings and the custody and management of all city property, with power to let or sell what may be legally let or sold, and to purchase in the name of the city such real or personal property not exceeding the sum of two hundred thousand dollars, including the property now owned by the town, as they may deem of public utility. And the City Council shall as often as once a year cause to be published for the information of the inhabitants an account of receipts and expenditures and a schedule of the city property, and no money shall be paid from the City Treasury unless the same be appropriated by the City Council and upon a warrant signed by the Mayor, which warrant shall state the appropriation under which the same is drawn.

Tenure of office.

City Council to require bonds of persons trusted with the receipt, custody or disbursement of money.

To have the care and custody of city property, and may purchase property to the amount of $200,000.

To publish annually an account of the receipts and expenditures.

SECT. 5. Every act, law, ordinance or bill, appropriating money, having passed both branches of the City Council, shall be presented to the Mayor, and if he approve the same, he shall sign it; if not, he shall return it in seven days, with his objections, to that branch of the City Council in which it originated, which branch shall enter the objections at large upon its journals, and proceed to reconsider said law, act, ordinance or bill. If upon such reconsideration, a majority of the whole number of that branch shall agree to pass it, it shall be sent, together with the objections, to the other branch, by which it shall be reconsidered, and if approved by a majority of the whole of that branch, it shall have the same binding force and effect as if signed by the mayor.

Payment of money from Treasury.

Acts appropriating money to be presented to Mayor for signature.

Proceedings if he disapprove.

SECT. 6. The City Assessors, who shall be annually appointed by the City Council, shall execute and be subject to the same powers, duties, and liabilities, that the Assesors in the towns in this state may exercise and be subject to. *Provided, however*, that the City Council may appoint one person in each ward, whose duty it shall be to furnish the Assessors with all necessary

City Assessors, their appointment, powers, duties and liabilities.

Assistant Assessors

information relative to persons and property, taxable in his ward, and who shall be sworn to the faithful performance of his duty.

Assessment and collection of taxes.

All taxes shall be assessed, apportioned, and collected, in the manner prescribed by the laws of this state relative to town taxes;

Proviso.

provided, however, that it shall, and may be lawful, for the city council to establish further and additional regulations and provisions for the collection thereof.

Power of City Council to lay out our streets and estimate damages

SECT. 7. The City Council shall have exclusive power and authority to lay out any new street or public way, or widen, or otherwise alter, or discontinue any street, or way, in said city, and to estimate the damage any person may sustain thereby, and shall in all other respects be governed by, and be subject to, such rules and restrictions as are, by law, provided in this state for regulating the laying out of public highways and repairing streets. And

Remedy for persons aggrieved.

any person aggrieved by the decision or judgment of said City Council, may, as far as relates to damages, have them assessed by a committee or jury, as is now by law provided; and any highway, or town way, or bridge, which has been, or may hereafter be, located within said town or city, between high and low water mark, shall, nevertheless, be deemed to be legally located and established.

Sidewalks.

SECT. 8. It shall be lawful for the City Council, by a committee by them appointed, or by instructions to the commissioners of streets, to appropriate, set off, and reserve as side-walks, such part or portion of the several streets in said city, now or hereafter to be established, as to said council may appear necessary for the safety, convenience and accommodation of foot passengers. It shall be

Posts or trees may be placed along the edge of sidewalks, protection from teams and carriages.

lawful for the City Council to permit or direct posts of wood or stone, or trees to be placed along the edge of said side-walk next to the traveled part of the street, in such number and manner as they may deem necessary to protect said side-walks and the persons traveling thereon from damage or inconvenience from teams or carriages. So much of the several streets in said city as shall be appropriated and reserved as side-walks, agreeably to the provisions of this act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons traveling on foot; and said city shall not be liable for any injury or damage done or

City not liable for any damages or injury in consequence thereof.

occasioned in consequence of any cart, carriage, wagon, truck or other vehicle, or any team or animal striking against any of said side-walks, or the posts or trees set or placed to defend the same. The several side-walks on the streets in said city, as at present established or used, or as they may be established at the acceptance of this act, shall be taken and deemed to be the proper and lawful reservation for that purpose, until altered or otherwise established by the proper authority.

City Council may authorize the placing of materials in any streets for certain purposes.

Proviso.

Not liable for damages occasioned thereby.

SECT. 9. The City Council shall have power, on such terms and conditions as they may think proper, to authorize or empower any person or corporation to place in any street, for such time as may be necessary, any materials for making or repairing any street, or side-walk, cross-walk, bridge, water-course, or drain, or for erecting, repairing or finishing any building or fences; *provided*, that not more than one-third of the width of the street shall be so occupied; and such materials so placed by virtue of any license obtained as aforesaid, shall not be considered as an incumbrance or nuisance in such street, and the city or person or corporation so placing the same shall not be liable for any damage occasioned by such materials.

Laws and regulations now in force to remain so, &c.

SECT. 10. All the laws and regulations now in force in said town of Rockland, shall, notwithstanding this act, be and remain in force until they expire by their own limitations, or be revised or repealed by the City Council; and prosecutions and suits may be commenced and proceedings had thereon in the name of the city, by officers or other persons thereby empowered or directed to prosecute and sue, and the fines and penalties shall go to the uses in such laws or regulations, named acording to law.

Municipal Court established.

Jurisdiction of Judge.

SECT. 11. A Police Court shall be, and is hereby established in and for the city, to be called the Municipal Court of the City of Rockland; to consist of one Judge, who shall be appointed and commissioned in the manner provided by the constitution, who shall have concurrent jurisdiction with justices of the peace, in all matters, civil and criminal, under twenty dollars, within the County of Lincoln, and shall have original and exclusive jurisdiction in all civil actions in which both parties are interested, or in which the party, plaintiff, and the person or persons summoned as trustees, shall be inhabitants of or residents of said City of Rockland, excepting all actions in which said Judge may be interested; and said court shall have concurrent jurisdiction with Justices of the Peace and Quorum, in all cases of forcible entry and detainer, arising in said county, and original and exclusive jurisdiction in all such cases arising in the city, and shall also have original and exclusive jurisdiction in all cases of violation of the by-laws of said city, and any person aggrieved by any judgment awarded by said court, may appeal therefrom, in like manner as if the same had been awarded by any Justice of the Peace, or Justices of the Peace and Quorum.

Original and exclusive jurisdiction of all cases arising in the city.

Appeal.

To keep its own records.

Time of holding said Court.

SECT. 12. It shall be the duty of said court to keep its own records, which records shall be such as would be legal records in a court of a Justice of the Peace. And copies of the records of said court, duly certified, shall be evidence in the other courts of this state. Said court shall be holden on the first and third

Mondays of each month, at nine of the clock in the forenoon, at such places as the city shall provide for the purpose, for the transaction of civil business; and all civil processes shall be made returnable accordingly. And the fees in all cases, civil and criminal, shall be the same as are now taxable by Justices of the Peace: *provided*, that the price of blank writs signed by said judge shall be one cent. And all fines, penalties and costs, which may be awarded by said court in the administration of its criminal jurisdiction, shall be accounted for and paid over by said judge, in the same manner as if the same had been awarded by the sentence of a Justice of the Peace.

Fees, costs, &c.

Proviso.

In case of sickness or other disability, Court to stand adjourned.

SECT. 13. In case of the death, sickness, or other disability of the Judge, to attend at the time and place as provided in the preceding section for the transaction of civil business, the said court shall stand adjourned till the next term of said court, and so from time to time without cost to either party, until the judge is able to attend, and in case of disability to perform the other duties of his office, the criminal jurisdiction of said court shall devolve upon the justices of the peace for the county of Lincoln; and all proceedings instituted during such disability, shall be finally determined by the justices instituting the same.

Power of city to provide room for Court, &c.

Salary of Judge determined by the City Council.

SECT. 14. The City of Rockland shall have power, and it shall be its duty, to raise money to provide a suitable room in which to hold said court, and to furnish the same in an appropriate manner. The Judge of said Municipal Court shall receive from the said City of Rockland, in quarter yearly payments, an annual salary of such amount as the City Council shall vote and determine; which shall be in full for all fees pertaining to said office. And the said Judge shall not act as counsel or attorney, in any case within the jurisdiction of said court, nor in any suit, matter or thing which may depend on or have relation to any case, matter or thing depending or cognizable in said court.

Judge not to act as counsellor or attorney.

Actions, suits, &c. pending before justices when this act takes effect.

SECT. 15. All actions, suits, matters and things, which may be pending before Justices of the Peace in the town of Rockland, and all writs, executions, warrants, recognizances and processes, returnable to said justices when this act takes effect, shall be returnable to them in like manner as if it had not taken effect; and said justices shall have full power and authority to grant execution and to carry into effect any judgment rendered by them, and to complete all processes commenced by or before them, in the same manner as they might have done had not this act have passed.

City to be divided into seven wards.

SECT. 16. For election purposes, said city shall be divided into seven wards, to contain as near as conveniently may be, an equal number of legal voters; and it shall be the duty of the City Council, once in ten years, and not oftener than five years, to

review, and if it be needful, to alter said wards, in such manner as to preserve as nearly as may be, an equal number of voters in each ward. In each of said wards, there shall annually, on the first Monday of March, be chosen by ballot, a Warden and Clerk, who shall hold their offices for one year, and until others have been chosen and qualified in their stead. Said Warden and Clerk shall be sworn to the faithful performance of their duty, by any Justice of the Peace of said city, or by the person presiding at said meeting, or by the Clerk of said ward, and a certificate of such oath having been administered, shall be entered by the Clerk on the records of said ward. The Wardens shall preside at all ward meetings, with the powers of moderators of town meetings; and if at any meeting the Warden shall not be present, the Clerk of the ward shall call the meeting to order and preside till a Warden pro-tem. shall be chosen. If neither the Warden nor Clerk shall be present, any legal voter in the ward may preside till a Clerk pro tem. shall be chosen and qualified. The Clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers, held by him in said capacity. The inhabitants of each ward may choose two persons to assist the Warden in receiving, sorting and counting the votes. The list of the names of the legal voters in each ward shall be prepared by the Assessors and Board of Aldermen, assisted by the Wardens, in the same manner, and under the same restrictions, as are imposed by the laws of this State on the assessors and selectmen of towns; and all regular ward meetings shall be notified and called by the Mayor and Aldermen in the manner provided in the laws of this State for notifying and calling town meetings by the selectmen of the several towns, excepting that ward meetings for the election of Mayor after the second trial may be called within the time provided in such cases in this act.

When to be reviewed and altered

Warden and Clerk

Shall be sworn.

Duties of Wardens.

If Warden and Clerk both absent any legal voter to preside.

Duties of Clerk.

List of voters in each ward to be prepared.

Ward meetings, how called.

SECT. 17. The Mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards. One Alderman and three Common Councilmen shall be elected by each ward, being residents in the ward where elected. All said officers shall be elected by ballot, by a majority of the votes given, and shall hold their office one year from the first Monday of March, and until others shall be elected and qualified in their places.

Election of Mayor, Aldermen and Common Councilmen.

Tenure of their offices.

SECT. 18. At the annual election, holden for the choice of Mayor and Aldermen, the qualified electors in each ward shall by ballot elect a Constable, who shall be denominated City Constable, with all the powers, duties and liabilities pertaining to the office of Constable.

City Constable.

SECT 19. On the first Monday of March annually, immediately

Time and manner of holding annual election.

after a Warden and Clerk shall have been chosen and sworn, the qualified electors of each ward shall ballot for a Mayor, one Aldermen and three Common Councilmen; all the votes given for the said several officers respectively shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for, and the number of votes given for each, to be written on the ward records at length. The ward clerk within twenty-four hours after such election shall deliver to the persons elected Aldermen and Common Councilmen, certificates of their election, and shall forthwith deliver to the City Clerk a certified copy of the record of such election; *provided, however*, that if the choice of Aldermen and Common Councilmen cannot be conveniently effected on that day, the meeting may adjourn from day to day to complete such election. If on the second balloting for any Alderman, Common Councilmen, Constable, Warden or Clerk, a choice shall not be effected by a majority vote, then the person having the greatest number of votes for any of those offices, at a subsequent trial, shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day, till a choice shall thus be effected. The Board of Aldermen shall as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected Mayor, by a majority of votes given in all the wards, to be notified in writing of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept said office, the said board shall issue their warrants for one other election; and in case the citizens should fail on a second trial to elect a Mayor, the said Board shall again issue their warrants for a third election, to be held not less than three nor more than four days thereafter; at which election, the candidate having the greatest number of votes shall be declared elected, and shall be notified as aforesaid; if no one shall then have such number, further elections shall in like manner be ordered, till a choice shall be made, by some one having the highest number of votes; and in case of a vacancy in the office of mayor, by death or otherwise, it shall be filled for the remainder of the term by a new election, in the manner heretofore provided for in the choice of said mayor; and in the meantime the president pro tempore of the Board of Aldermen shall perform the duties of Mayor. The oath prescribed by this act shall be administered to the Mayor by the City Clerk, or any Justice of the Peace in said city. The Aldermen and Common Councilmen elect shall, on the second Monday of March, at ten of the clock in the forenoon, meet in convention, when the oath required by the second section of this act shall be

Ward Clerk to deliver certificates of election within 24 hours.

Proviso.

On second ballot for Aldermen, &c., persons having the highest number declared elected.

Board of Aldermen to notify the Mayor of his election.

In case there is no choice to issue their warrant for another election.

On third trial the person having the greatest number of votes declared elected.

Vacancy in the office of Mayor, how filled.

Oath of Mayor and City Council how administered.

administered to the members of the two boards present, by the Mayor or any Justice of the Peace, and thereupon the two boards shall separate, and the Board of Common Council shall be organized by the election of a President and Clerk.

Duties of City Clerk.

SECT. 20. The City Clerk shall be the Clerk to the Board of Aldermen; he shall perform such duties as shall be prescribed by the Board of Aldermen, or Common Council, and shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in the Town Clerk of the Town of Rockland; he shall give notice in one of the papers printed in the city, of the time and place of regular ward meetings; but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the Board of Aldermen. The Board of Aldermen may, in the absence of the Mayor, choose a President pro tempore, who shall preside at joint meetings of the two boards; each board shall keep a record of its proceedings, and judge of the election of its own members; and in case of failure to elect, or vacancy by death or otherwise, may order new elections. A quorum for the transaction of business shall, in each board, consist of a majority thereof; all meetings of the Aldermen and Common Councilmen and all meetings of the two boards in convention, shall be open in public; and the presiding officer of each of them shall have the powers of Moderators of town meetings. At either of said meetings, when any two members shall request it, the votes shall be taken by yeas and nays, which vote shall be recorded by the Clerk.

President pro tempore of Board of Aldermen.

Each Board to keep record of proceedings.

Quorum.

Meetings of City Council to be public.

General meetings of the citizens.

SECT. 21. General meetings of the citizens, qualified to vote in city affairs, may, from time to time, be held to consult upon the public good; to instruct their representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution; and such meetings shall be called by the Mayor and Aldermen, at the request, in writing, of any thirty legal voters of said city.

Called by the Mayor and Aldermen.

Selectmen to divide the town into seven Wards.

SECT. 22. It shall be the duty of the selectmen of the town of Rockland, as soon as may be, after this act shall have been accepted as hereinafter provided, to cause a division of said town into seven wards, in such manner as to include as nearly as conveniently may be, consistent with well defined limits to each ward, an equal number of voters in each ward.

City government, how organized and put in operation.

SECT. 23. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town, for the time being shall, seasonably, before the first Monday of March next, after the acceptance of this charter, issue their warrants calling meetings of the legal voters, at such time and place, on said day, as they shall

think expedient, for the purpose of choosing a Warden and Clerk for each ward, and also to give in their votes for Mayor, to be taken from the city at large, and one Alderman, and three Common Councilmen, and one Constable for each ward; the transcript of the records of each ward specifying the votes given for Mayor, one Alderman, and three Common Councilmen, and one Constable, certified by the Warden and Clerk of said ward, shall at said first election be returned to the said selectmen of Rockland, whose duty it shall be to examine and compare the same; and in case such election shall not be completed at the first election, then to issue a new warrant, until such election shall be completed, according to the provisions of this act, and to give notice thereof in the manner hereinbefore directed, to the several persons elected. And at said first meeting, any legal voter in said town, may call the citizens to order and preside till a Warden shall have been chosen; and at said first meeting, a list of voters in each ward, prepared by the selectmen of the town of Rockland, for the time being, shall be delivered to the Clerk of each ward, when elected, to be used as provided by law in town meetings; and it shall be the duty of the City Council in convention, immediately after the first organization, to elect, by ballot, a City Clerk, and all other necessary city officers, who shall hold their offices respectively until others are chosen and qualified in their places.

Proceedings in case the elections should not be completed at the first trial.

Ward lists to be delivered to the Ward Clerks.

Election of City Clerk and other officers.

Authority of City Council to establish regulations for measurement and sale of wood and bark.

SECT. 24. The City Council shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by land or water; and may affix suitable penalties for the violation thereof, anything in the public laws of the State to the contrary notwithstanding; and shall have authority to regulate and control the building of wharves and piers in said city, and may authorize the extension of wharves into tide waters, and may make all needful regulations in relation to the harbor; may appoint a harbor master, prescribe his duties, and fix his compensation.

May appoint Harbor master.

City Council may regulate or prohibit the erection of Wooden buildings.

SECT. 25. The City Council are hereby authorized and empowered to pass any ordinance or ordinances, regulating or forbidding the erection of wooden buildings on any street or streets in said city, when they may deem it necessary, or conducive to the public safety.

For regulation of carts, drays, &c.

SECT. 26. The City Council may make and establish such ordinances or regulations as they may deem for the public good, for the regulation of carts, drays, or other teams in said city, by prescribing the width of tire that shall be used.

When to take effect.

SECT. 27. This act shall take effect, and be in full force, when the same shall have been accepted by the inhabitants of said town, qualified to vote in town affairs, at a legal meeting called for that

purpose: *provided*, it shall be accepted within five years from the passage of this act; but not more than one meeting for that purpose shall be called in any one year. And at such meeting the inhabitants of said town shall vote by a written ballot; those in favor of accepting this act having on the ballot the word "YES," and those opposed, having on the ballot the word "NO;" and if a majority of all the ballots received are in favor of accepting the same, it shall then become a law, and take effect. And it shall be the duty of the Clerk of said town to file a copy of the record of the vote of said town, accepting the same, with the Clerk of the City of Rockland, when elected, who shall transcribe such copy into the records of the city, and such record shall be conclusive evidence that this act has been accepted.

Acts inconsistent repealed.

SECT. 28. All acts and parts of acts inconsistent with this act are hereby repealed, from and after the time when this act shall have been accepted, as aforesaid, and the government shall have been organized as herein provided.

[Approved, April 17, 1854. Accepted, June 3, 1854.]

[Section 4 amended by act of Legislature approved February 26, 1870, and printed as amended.]

AN ACT ADDITIONAL TO INCORPORATE THE CITY OF ROCKLAND.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Selectmen may call meeting after acceptance of charter.

SECT. 1. For the purposes mentioned in section twenty-three of the act to which this is additional, the selectmen of Rockland are hereby authorized to call meetings of their several wards as soon as may be after the acceptance of said act, instead of the time designated in the twenty-third section aforesaid.

When to take effect.

SECT. 2. This act shall take effect from and after its approval by the Governor.

[Approved, April 18, 1854. Accepted, June 7, 1854.]

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE CITY OF ROCKLAND.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Proceedings in case of damages by laying out and altering streets, &c.

SECT. 1. Whenever the City Council of said city of Rockland shall lay out and establish any new street or public way, or widen or otherwise alter any street or public way in said city, and shall estimate and decide that any person or persons, or corporations

have or will sustain any damage thereby, and the amount thereof to each, in the manner that is or may be provided by the existing law, it shall be lawful for said City Council to apportion the damages so estimated and allowed, or such part thereof as to them may seem just, upon the lots or parcels of land adjacent to, and bounded on such street or way, and not those lots for which damages are allowed, in such proportion as in their opinion such lots or parcels of land are benefitted or made more valuable by such laying out, widening or altering of such street or public way: Provided, however, that the whole assessment so made shall in no case exceed three-fourths of the damage so allowed, and provided, also, that before such assessment shall be made, notice shall be given to all persons interested to appear before said City Council at a time and place specified, if they see cause, then and there to be heard upon the subject, which notice shall be published in some newspaper printed in said city at least one week prior to said time of hearing.

Damages to be apportioned on lots benefitted by such laying out, &c.

Proviso.

Assessment to be recorded by City Clerk.

Notices to owners of said lots.

SECT. 2. After said assesment shall have been made upon such lots or parcels, and the amount fixed upon each, the same shall be recorded by the City Clerk, and notice shall be given within thirty days after the assessment, to each owner and proprietor of said lots and parcels, by delivering to each of such owners who may reside in said city, a certified copy of such recorded assessment, or by leaving such copy at his last and usual place of abode, and by publishing the same four weeks successively in some newspaper published in said city, (the first publication to be within thirty days,) and it shall be the duty of said City Clerk, within said thirty days, to deposit in the post office in said city a certified copy of such assessment, properly directed to each of such owners or proprietors who may reside out of said city, and whose place of residence may be known to said City Clerk, and the certificate of said Clerk duly made, shall be deemed and taken to be sufficient evidence of having deposited such copies in said post office, and of having delivered the same to such owner or owners, living in said city. And in all cases of laying out, widening or altering any such street or public way, and allowing or assessing damages, as aforesaid, the record of deeds for the County of Lincoln, Eastern District, shall be evidence of title so far as notice is concerned.

Copy of assessment to be sent to each owner.

Record of deeds evidence of title.

Owner's right of appeal.

SECT. 3 Any owner or proprietor as aforesaid who may feel aggrieved at the sum so assessed upon his lot or parcel of land, may at any time within six months after such assessment shall have been made, appeal therefrom to the Supreme Judicial Court then next to be holden in the County of Lincoln, by leaving with said City Clerk, a written notice of such intention; and the said party appealing shall enter his said appeal in said Court, and pro-

Proceeding in case of appeal.

duce certified copies of the proceedings of said City Council, which copies said City Clerk shall furnish upon demand, within reasonable time, upon being paid or having tendered to him a reasonable compensation for making and certifying the same. And the said Court shall take cognizance of such case, and if upon examination of said copies it shall appear that the proceedings of said City Council have been regular and according to the provisions of this act, then said Court shall proceed to try and determine by jury, or otherwise if the parties agree to any other mode, the question whether the said appellant or his said lot or parcel ought in justice to be assessed pursuant to this act, and the spirit and intent thereof, and if so in what sum. And if the final judgment of said Court shall be for a less sum than that assessed by said City Council, then the apellant shall recover reasonable cost, after such appeal, to be determined by the court; otherwise said city shall recover reasonable cost to be determined as aforesaid, after such appeal, which shall be added to, and become part of said assessment. And the Clerk of said Court, within thirty days after final judgment, as aforesaid, shall deliver to said City Clerk a certified copy of such judgment.

Costs.

Clerk of Courts to deliver copy of judgment to City Clerk.

SECT. 4. In case the sum so assessed by said City Council upon such lots or parcels shall not be paid to the City Treasurer, within six months after such assessment, and no appeal shall have been claimed as aforesaid, the Mayor of said city, under the direction and order of said City Council, may issue his warant, directed to the Committee on Highways for the time being, reciting substantially the proceedings before had, and directing said officer, to sell all such lots, the assessments upon which have not been paid as aforesaid, at public auction, to the highest bidder in said city, or so much of each as may be sufficient to pay said assessment and all intervening changes, first giving public notice of the time and place of sale by posting up a notice in some public place in said city and publishing the same four weeks successively before said sale in some newspaper printed in said city. And it shall be the duty of said Committee on Highways to pursue and perform the directions of said warrant, and to sell each and all such lots unless the said assessment and all charges shall be paid before the day of sale, and to execute and deliver to the purchaser a deed of the same, which deed shall convey a good title to the purchaser: *Provided, however*, that any owner or owners may redeem the lot or lots so sold by paying or tendering to the purchaser, or depositing with said City Trsasurer, within one year after said sale, the amount paid by such purchaser and interest thereon at the rate of twelve per cent. per annum. *And provided, also*, that a lien shall be in force and exist upon each of said lots

Proceedings in case the sum assessed by the City Council is not paid over, or appeal taken in six months.

Duty of Committee on Highways.

Proviso.

Lien created by such assessment.

and parcels for the payment of said assessment and all costs and charges, after said assessment is made and until the same be fully paid.

Effect of neglect to enter appeal at next term after appeal.

SECT. 5. In all cases of appeal to the Supreme Judicial Court, if the party appealing neglects to enter his appeal at said next term after such appeal, the same proceedings may be had as if no such appeal had been made, and the same may be treated as a nullity. And in all cases after a final judgment in said Court, the same proceedings may be had in the collection of said assessment, and cost and charges, as is provided in case of neglect to pay for six months after such assessment.

Collection of assessment after final judgment.

Manner of recovering assessment, by the city When due.

SECT. 6. In all cases after such assessment shall have become due and payable, according to the provisions of this act, the said city may recover the same and all legal cost of the individual owner or owners, by an action of money had and received in the name of said city, in any Court of competent jurisdiction, instead of pursuing the mode pointed out in the foregoing provisions of this act.

Act not to take effect till accepted by a majority of voters.

SECT. 7. This act shall not take effect or be in force until it is accepted by a majority of the legal voters of said city, voting thereon at a general meeting, to be called in the usual manner that town meetings are called, by the Mayor and Aldermen, the vote on its acceptance to be taken by ballot. And the Mayor of said city to preside at such meeting, and the City Clerk to record the doings thereof. But said city may accept any sections or parts of this act and reject the remainder, if the said citizens, voting as aforesaid, shall so decide.

[Approved, March 16, 1855. Accepted, June 9, 1855.]

AN ACT TO AUTHORIZE THE CITY OF ROCKLAND TO RAISE AND EXPEND MONEY FOR CERTAIN PURPOSES.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. The city of Rockland is hereby duly authorized and empowered to raise by taxation such sum or sums of money as the city council may deem expedient, for the purpose of paying the same to the owner or owners of wagons used for the transportation of limestone, in such sums as the city council may determine, as a portion of the expense incurred by said owners in altering the width of wheels of wagons to conform to the requirements of an ordinance of said city.

SECT. 2. This act shall take effect when approved.

[Approved, March 3, 1870.]

CITY ORDINANCES.

CITY OF ROCKLAND.

AN ORDINANCE FOR REVISING, ARRANGING, AND AMENDING THE ORDINANCES OF THE CITY.

Be it ordained by the City Council of the City of Rockland, in manner as stated under the several chapters and titles following, that is to say:

CHAPTER I.

CITY SEAL.

The design hereto annexed shall be the device of the City Seal, and the inscription and motto shall be as follows, to wit:

"Rockland incorporated a city A. D. 1854. God gives a reward to industry."

CHAPTER II.

CITY MARSHAL.

SECT. 1. The City Council shall, in the month of March, annually, or as soon thereafter as may be, elect a City Marshal, who shall hold his office until another shall be elected and qualified in his stead. He shall be sworn to the faithful discharge of the duties of said office, and give bond, with sureties, to the satisfaction of the Mayor and Aldermen, for the faithful discharge thereof, in the sum of five hundred dollars.

City Marshal, how elected.

Oath.

Bond.

SECT. 2. The City Marshal shall, with the approbation of the

Deputy Marshal how appointed. Duties.

Mayor and Aldermen, appoint a Deputy, who shall, during the absence or disability of the City Marshal, have and exercise all power and authority, and perform all duties pertaining to the office of Marshal; shall be sworn to the faithful discharge of said duties,

To give bond.

and give bond to the City Marshal, for the faithful discharge thereof; and the City Marshal shall be personally responsible for all acts of such Deputy, and shall pay for his services.

Duties of Marshal.

SECT. 3. It shall be the duty of the City Marshal, from time to time, to inspect the streets, wharves, and lanes of the City, and cause to be removed all nuisances, obstructions, or impediments, therein. He shall be vigilant and active in preserving the public peace—and in detecting any violation or breach of any law or city ordinance—taking the names of the offenders that they may be prosecuted; receive complaints of the inhabitants of any breach of the laws; and for that purpose shall daily attend at some convenient place at stated hours. He shall prosecute all offenders against the laws and ordinances of the city, within one week after detecting the offenders and ascertaining the offences by them committed, and attend regularly and punctually all trials of offenders by him prosecuted in behalf of the city, and use all lawful means for their effectual prosecution and final conviction. He shall immediately pay over to the City Treasurer all sums

Shall pay City Treasurer all money due city immediately.

received for fines, or otherwise collected on account of the city, and he shall, once in three months, or oftener if required, lay before the Mayor and Aldermen a correct statement of all prosecutions by him or his Deputy instituted before the Police Court,

To report once in three months to the Mayor and Aldermen all prosecutions, and money received.

together with a full account of all sums received by him from all sources on account of the city. And it shall be his duty to lay before the City Council in the month of March of each year, a report of the number of arrests made during the year, with the causes thereof; an account of the gross amount received for fines or prosecutions, and of the amounts collected by him for licenses

To report in March annually to the City Council.

and other fees on account of the city, together with a statement of the condition of the police service and such recommendations as he may see fit to make. The City Marshal shall also exercise such other powers as now are, or may hereafter be conferred upon him by statute.

Duty in case of alarm of fire.

SECT. 4. On an alarm of fire the Marshal shall proceed, with such policemen as may be needed, with badges of office, to the place of fire, for the purpose of preserving peace, removing disorderly persons, and preventing theft and destruction of property.

Further Duties.

SECT. 5. The City Marshal shall receive, post up, deliver and execute all notifications, summonses and precepts issued by the Mayor, Mayor and Aldermen, City Clerk, President of the Common

Council, the City Council or either branch thereof, or any committee of the same, and make due return thereof. He shall prepare and arrange the rooms in which the two boards of the City Council or either of them shall hold their sessions, and be in constant attendance upon them by himself or Deputy when in session, and shall, under the directions of the Mayor, provide at the expense of the city, fuel, lights and other things necessary for the accommodation of both branches of the City Council or any Committee thereof. He shall receive and deliver all certificates to officers elected by the City Council and by the Mayor and Aldermen. He shall prepare the rooms selected for the Ward Meetings, and have the same put in good order after the meetings are adjourned; and shall at all times be subject to such further orders and regulations as the City Council may make; and shall receive for his services such compensation as the City Council shall annually determine and allow.

Compensation.

Shal have charge of Watch Houses.

SECT. 6. The City Marshal shall have charge of any watch-houses which are or may be provided by the city for the convenience of the watch or the securing of offenders, and shall cause the same to be kept clean and in good order for use, and shall provide, at the expense of the city, all necessary articles therefor.

CHAPTER III.

POLICE OFFICERS.

Police Officers how appointed.

SECT. 1. The City Marshal, with the approbation of the Mayor and Aldermen, shall annually in the month of March or as soon thereafter as may be, appoint police officers, not exceeding twenty in number, who shall be qualified by being sworn, and shall be removable at the pleasure of the Mayor and Aldermen, and, unless removed, shall hold their offices until others are appointed and qualified in their stead.

Tenure of office.

Marshals may appoint a special police.

SECT. 2. The City Marshal may appoint a special police, for the time being, and administer to them the oath of office.

Duties of police officers.

Under direction of Marshal.

SECT. 3. The police officers shall, to the utmost of their power, preserve the public peace, and prevent all riots, disorders and unlawful practices within the city. They shall be under the direction of the City Marshal, or in his absence, his Deputy, and shall perform such police duty as he may require of them, by night or by day; and the Marshal may, subject to the direction of the Mayor and Aldermen, employ one or more of said police as a night watch for such periods of time, and upon such beats as he may

Proviso. appoint: *Provided, however*, that in no case are the services of the police to be required so as to exceed the amount appropriated by the City Council for their pay.

To wear badges. SECT. 4. The City Marshal shall furnish the police with suitable badges of office, which shall be worn by them on all proper occasions. All policemen not employed on salary shall report to the City Marshal the days and number of hours in each day actually employed by them on police duty, stating on whose call, for what purpose, and with what result; and the Marshal shall report the same monthly to the Mayor and Aldermen, with his approval of such service as an allowance should be made for, and the amount of such allowance.

To report services to Marshal.

Marshal to to report monthly.

Compensation. SECT. 5. Police officers shall receive for their services such compensation as the Mayor and Aldermen may from time to time determine or allow.

CHAPTER IV.

CITY CLERK, AND CLERK OF THE COMMON COUNCIL.

Duties of City Clerk. SECT. 1. The City Clerk shall keep a full record of all the doings of the Board of Aldermen, and of all conventions of the City Council. He shall cause all persons appointed to office by the Mayor and Aldermen, and also all persons elected by the City Council, to be seasonably notified of their appointment or election; and he shall give notice to the Chairmen of all committees the appointment of which shall originate in the Board of Aldermen, and to the Chairmen of all Joint Committees, of their appointment, and it shall be his duty to cause to be transmitted to the Common Council all papers requiring the concurrence of that board.

To keep all City papers on file. SECT. 2. He shall keep all papers belonging to the city in suitable files prepared for the purpose, and shall carefully preserve and record all Ordinances after they shall have finally passed, in a convenient form for inspection or reference; he shall procure all stationery, and other necessary articles which may be required by either branch of the City Council or any city officers, and keep an account thereof to be laid before the City Council, and he shall generally perform all duties, and exercise all the powers by law incumbent upon, or vested in Town or City Clerks.

To procure stationery for use of City government.

Duties of Clerk of Common Council. SECT. 3. The Clerk of the Common Council shall keep a full record of all the doings of the Common Council. He shall give notice to the chairmen of all committees of the Common Council of their appointment; and he shall transmit or cause to be trans-

mitted all papers to the Board of Aldermen, when necessary for their concurrence. He shall preserve and keep in suitable files all papers which properly belong to the Common Council, and shall generally perform all such duties as may be prescribed by the Board of Common Council, or by the City Council.

SECT. 4. The City Clerk and Clerk of the Common Council shall each receive such compensation for their services as the City Council may annually determine and allow.

CHAPTER V.

CITY SOLICITOR.

SECT. 1. The City Council shall, annually, in the month of March, or as soon thereafter as may be, choose a City Solicitor or Agent, who shall be an Attorney at Law, and who shall be removable at the pleasure of the City Council. Solicitor, how chosen.

SECT. 2. It shall be the duty of said Solicitor to draft all bonds, deeds, and other instruments, which may be required of him by any ordinance, or by order of the Mayor, Aldermen or City Council for said city, and which by law, usage or agreement, are to be drawn at the expense of the city. It shall be his duty to draft any ordinance when required by the Mayor, the City Council or either branch, or any committee thereof; also to commence and prosecute any suit for a breach of the by-laws and ordinances of said city, when requested by the Mayor; also any other suit by order of the Mayor in writing, or by direction of the City Council, on account of any of the estate, rights, privileges, claims or demands, of the city; and to defend all actions and suits brought or to be brought against the city or any officer thereof, wherein any of the estate, rights, privileges, ordinances, orders or acts of the city government, or any branch thereof, may be brought in question, before any court in this State. And the Solicitor shall, also, when required, furnish the Mayor, Aldermen or Common Council of said city, or any joint or special committee thereof, with his opinion on any legal subject which may be submitted to him; and he shall render professional advice to the Overseers of the Poor or any officers of the city government who may require his opinion on any subject touching the duties of their respective offices; and he shall receive for his services such compensation as the City Council shall annually determine and allow. Duties, &c.

SECT. 3. It shall be the duty of said Solicitor to account for and pay over to the City Treasurer all moneys by him received in any

To pay over moneys received for costs.

prosecution or suit wherein the city is or may be interested, and he shall notify the Mayor of the payment thereof. And whenever it may become necessary to have the aid of additional counsel, in the opinion of the Mayor, such counsel may be engaged at the expense of the city.

CHAPTER VI.

CITY PHYSICIAN.

His duties.

SECT. 1. There shall be annually elected by the City Council in the month of March, or as soon thereafter as may be, a City Physician, whose duty it shall be to have an over sight of the health of the inmates of the poor-house, to attend upon the paupers of the city when sick and in need of medical aid, and to render them such aid and furnish such medicines as may be necessary; and he shall receive such sum in full for his service and medicines as the City Council shall annually determine and allow.

CHAPTER VII.

CITY UNDERTAKERS.

Undertakers, how appointed.

SECT. 1. There shall be appointed by the Mayor and Aldermen, in the month of March annually, or as soon thereafter as may be, one or more City Undertakers, who shall be removable at the pleasure of the Mayor and Aldermen; and who shall be responsible for a decent, orderly and faithful management of all funerals by them undertaken. Such undertakers may employ any necessary assistants, and shall be responsible for the good conduct of such assistants.

Duties.

May employ assistants.

To have charge of hearses, &c.

SECT. 2. All funeral cars or hearses which may belong to the city shall be under the care of such undertakers, or such one of them as the Mayor and Aldermen may direct; and shall be deposited for safe keeping in places provided for that purpose, and shall be kept clean and in good repair by such undertakers.

Fees regulated by Mayor and Aldermen.

SECT. 3. The Mayor and Aldermen may from time to time, as they shall think proper, by order or otherwise, regulate, establish and modify the fees to be paid such undertakers for their services.

Undertakers to publish the

SECT. 4. Each undertaker shall, at the close of each month, make a certificate of the number of interments by him made during

the month, and cause the same to be published in some newspaper in this city. number of interments during the month.

SECT. 5. Each undertaker shall be required to see that all graves dug by or for him are correctly arranged, made of sufficient depth, and properly filled; and he shall also record, in a book kept for the purpose, the name, age and sex, of each person interred by him, together with the disease, or cause and time of death, the time of burial, the range and number of grave or tomb, (or other brief description,) where buried or deposited, and whether a resident of the city or a stranger; which record shall, at the end of each year, be deposited with the City Clerk, who shall carefully preserve the same for the city. Further duties.

CHAPTER VIII.

STREET ENGINEER.

SECT. 1. The City Council shall, in the month of March annually, or as soon thereafter as may be, elect a Street Engineer, who shall be a skillful surveyor; he shall hold his office until the third Monday of March next succeeding his election, or until another is chosen in his stead, unless sooner removed by the City Council, and shall receive such compensation for his services as the City Council shall allow. Street Engineer. How chosen. Compensation.

SECT. 2. It shall be the duty of the Street Engineer to render professional aid when required by the Committee on Highways and on New Streets, and by the Road Commissioner, for the purpose of altering or laying out streets, or ascertaining if any encroachments are made thereon, and for the purpose of marking the lines and angles of streets. And the said committee in reporting upon any street or application for a street upon which the Engineer has been employed, shall minute upon such report the time employed by the Engineer thereon; and the said Road Commissioner shall keep an exact account of the time said Engineer is employed by him and for what purpose, and on what streets, and make return thereof from time to time to the Mayor and Aldermen. And it shall be the duty of said Street Engineer to keep a record of his surveys, and report the same to the City Clerk after the acceptance of any street by him laid out; and also to do and perform all professional acts and services required of him by the City Council. Duties of Street Engineer. Road Committee to report time, &c., of Engineer's service. Further duties of Street Engineer.

CHAPTER IX.

ROAD COMMISSIONERS.

One or more Road Surveyors. How elected. Compensation.

SECT. 1. The City Council shall, in the month of March annually, or as soon thereafter as may be, elect one or more Road Commissioners, who shall hold their offices until others shall have been elected and qualified in their stead, whose compensation shall be established from year to year by the City Council, and who shall be removable at their pleasure. If any of said officers shall be removed, by death, or otherwise, they shall forthwith elect another to fill the vacancy.

Their duties

SECT. 2. It shall be the duty of said Road Commissioners, under the direction and subject to the approval of the City Council, or such committee as they may appoint, to superintend the state of the streets, sidewalks, lanes, alleys, &c., in such portion of the city as may be assigned them respectively, and to immediately repair any defect in the same, to attend to the building, widening, altering, or repairing of the same, and to make all contracts for labor and materials therefor, subject to the approval of the City Council or committee aforesaid, and to superintend the building or repairing of any drain or sewer, except when otherwise ordered, and may with such approval make arrangements for cleaning the streets and disposing of the manure in the same. They, or such one of them as the Mayor and Aldermen may direct, shall have charge of the horses, carts, teams, plows, and other implements used upon the highways and belonging to the city, and see that they are properly used and taken care of.

To pay bills and keep true accounts.

SECT. 3. They shall settle and pay all accounts contracted in the discharge of their official duties, by funds to be supplied by the City Council for that purpose, and shall keep just and accurate accounts of all receipts and expenditures, together with the dates thereof, and also specify every street, alley, or lane, whereon such expenditures have been made, shown by proper vouchers to be laid before the City Council, or such committee as they may appoint, at the expiration of their term of service, or as often as they may require.

To prevent encroachments.

SECT. 4. It shall be the duty of said Road Commissioners to see that no encroachments are made upon any street, public landing place, square, lane or ground of the city, by fences, buildings, or otherwise, and whenever any encroachments shall hereafter be made upon the same and the party making such encroachments shall neglect or refuse to remove the same, it shall be the duty of said Comissioners to cause the person so offending to be prosecuted and the nuisance abated.

SECT. 5. They shall, previous to entering upon their duties, be sworn to the faithful discharge thereof, and give a bond, with sureties to the satisfaction of the Mayor and Aldermen, in a sum equal to the amount which may be apportioned to each. To be sworn and give bond.

SECT. 6. When the number of Road Commissioners shall consist of more than one person, the Joint Standing Committee on new streets, highways, sidewalks, drains and sewers, shall apportion such parts of the city to each as in their judgment may be for the best interests of said city. Also the general highway fund shall be apportioned in the same manner, the action of the committee under this section being subject to the approval of the City Council. Appointment of districts and funds.

SECT. 7. All the powers vested in, and the duties required of Highway Surveyors by the laws of this State are hereby vested in and required of said commissioners. Powers vested.

CHAPTER X.

NEW WAYS AND STREETS.

SECT. 1. The City Council shall annually appoint a Joint Standing Commmittee upon laying out new streets; and whenever application in writing is made to the City Council to lay out, widen or alter any street, square, highway or private way, the City Council may refer such application to said committee, and it shall be the duty of the committee to consider such application, and after giving notice as the law requires, they shall proceed to examine the premises, and if in their judgment common convenience and necessity require it, shall have authority to lay out, widen, or otherwise alter the same, and to estimate the damages any individual may thereby sustain, and shall place temporary monuments at every angle on one of the exterior lines of said street, square, highway, or private way, and shall make report of their doings in writing to the City Council, as soon as may be after such service shall be performed, accompanied by an accurate survey and plan giving the boundaries and admeasurement of such street, square, highway or private way; and every such street, square, highway or private way so laid out, widened, or otherwise altered, and reported as aforesaid, having been duly accepted, and allowed by the City Council, and recorded, shall thereafter be established and known as a public street, square, highway or private way. Committeee on new Streets. Proceedings upon application to lay out, alter or widen. Duties of Committee.

SECT. 2. If any damage shall be sustained by any person by the discontinuing of any public or private way, the Joint Standing Committee to report damages.

Committee on laying out new streets, when so required, shall report to the City Council what compensation they shall receive, and also whether the damage is occasioned by the discontinuance of a public or private way.

Duties of Committee in graduating the streets.

SECT. 3. It shall be the duty of such committee to graduate the public streets, whenever especially directed by the City Council, and for that purpose, when needed, may employ, at the expense of the city, suitable surveyors to aid them in that service, and they shall, from time to time, report their doings in writing to the City Council, accompanied by such drawings or plans as may be necessary to explain the same, and if such report shall be accepted and the graduation adopted by the City Council, the making or repairing of such streets shall be done in conformity with such graduation.

To report their doings to City Council.

CHAPTER XI.

OF THE USE OF THE STREETS.

SECT. 1. No person shall ride or drive any animal or animals loose or attached to a carriage of any description, or cause them to be driven through any part of the city, at an unusual, immoderate and dangerous rate, on penalty of not less than three nor more than five dollars.

Fast driving

Obstruction of streets and side-walks, &c.

SECT. 2. No owner or driver of any carriage, cart, truck, wagon, sled or sleigh, for pleasure or burthen, shall stop or place such carriage, cart, truck, wagon, sled or sleigh across any street, side-walk or cross-walk, so as to prevent other carriages or foot passengers from passing on the cross-walk, except such teams as are loading or unloading; and not more than twenty minutes shall be allowed for that purpose, unless by consent of the City Marshal. If any person or persons shall violate any of the provisions of this section, he or they shall be subject to a penalty of not more than three dollars.

Penalty.

Rubbish not to be deposited in any street.

SECT. 3. No person shall deposit, or cause to be deposited in or upon any of the streets of the city any dirt, manure, soot, ashes, hair, shreds, shavings, oyster or lobster shells, dead animals, stones, bricks, mason's or bricklayer's rubbish, or any animal or vegetable substance, or any other rubbish or nuisance whatever, without the permission of the Road Commissioner and without faithfully complying with the conditions of such permission.

Auctions in streets.

SECT. 4. No person shall expose any goods for sale at public auction, in any street, or lane, or upon any sidewalk, within the

city, without a permit from the Mayor and Aldermen or from some person by them authorized.

Ice and snow not to be cast into the streets unless broken.

SECT. 5. No person shall carry, cast or lay any large body of ice or heap of snow in any street, lane, or public square of the city, or cause the same to be done, without breaking or causing the same to be broken into small pieces and spread upon such street, lane, or public square.

Obstruction of sidewalks

SECT. 6. No person shall pass with a wheel-barrow, hand-sled, hand-cart or any other vehicle, except infants' carriages drawn by hand, on any sidewalk within the city, or suffer them to stand thereon so as to incommode any person, or oblige him to turn out of his course to avoid such wheel-barrow, sled, hand-cart or other vehicle.

Ditto.

SECT. 7. No person shall place any box, bale of goods, or other article on any sidewalk, so as to encumber the same, nor suffer the same to remain thereon during the night; *provided* a reasonable time shall be allowed for receiving and delivering goods, or merchandize, or other articles, into or from any store, shop, house, or other place.

Goods not to be hung over sidewalks.

SECT. 8. No person shall hang, or cause to be hung, any goods or other thing over any sidewalk; nor suffer his cellar door or passage from the sidewalk into any cellar to be kept open when not in immediate use, nor in any case after sunset, except a good and sufficent light be constantly kept at the entrance of such door or passage; nor suffer any spout to lead water on the sidewalk over the head of any passenger.

Beasts not to be hitched across side or cross walk.

SECT. 9. No person shall hitch any horse, ox, or any other beast, or feed or cause to be fed, any horse, ox or any other beast, on or across any sidewalk or crosswalk in any part of the city.

Teams on side walks.

SECT. 10. No person shall pass with any horse, oxen or other beast, nor with any cart, wagon, chaise or other vehicle, along or across any sidewalk in the city.

Games, fireworks, &c.

SECT. 11. No person shall play at the game of bat-and-ball, nor strike any ball with a bat, nor throw any stones, bricks, clubs, snow-balls or other missiles in, into, over, along, or across any public street, or enclosure of any public building; nor fire any squibs, crackers, serpents or other fireworks, made of gunpowder in whole or in part, or of any other explosive ingredients, nor discharge any fire arms loaded with powder and ball, or powder or other dangerous composition, save and except in self-defence, in execution of the laws, or for the destruction of some dangerous animal, in, upon or across any of the streets, lanes, public squares, wharves, or on board any vessel lying at any wharf within the city.

Awnings to extend to outside of walk.

SECT. 12. No person shall affix awnings to his house, shop or store, in any street in the city, unless such awnings or shades shall

extend to the outer line of the sidewalk and be safely affixed and supported in such manner as not to interfere with passengers, nor unless the same be, in the lowest part, seven feet above the street or sidewalk under them.

SECT. 13. Any person or persons who shall be guilty of a violation of any provision of the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh or twelfth sections of this ordinance shall be subject to a penalty for each and every offence of not less than three nor more than five dollars.

Lumber, &c. not to be laid in the street.

SECT. 14. No person shall place or cause to be placed or laid in any street, lane, alley or public square in said city, within one mile of the Post Office, any lumber, frame, tree for a mast or other purpose, boards, shingles, granite-rock, lime-rock, cord-wood, coal or any other things which shall encumber said street, lane, alley or public square. And the City Marshal, or his deputy, may remove such lumber, granite, and lime-rock, or any other articles, when left in any street, lane, alley, or public square aforesaid, at the expense of the owner thereof; *provided*, however, that when any person shall have no suitable or proper place near his dwelling-house, store, shop or office, in which wood for immediate use, as fuel, can be sawed or prepared, such person may deposit the same upon the side of the street, lane, alley, or public square, so as not to obstruct the traveled path or sidewalk, a time sufficient to have the same sawed and prepared, not exceeding twenty-four hours, without the permission of the City Marshal, and when the owner of any of the aforesaid articles or things placed or laid in any street, lane, alley, or public square shall be unknown, it shall be the duty of the City Marshal, or his deputy, to cause a notice, requesting said owner to remove said obstruction to be posted on, or in the immediate vicinity of said articles or things; and unless such articles or things shall be duly removed within forty-eight hours thereafter, he shall sell the same at public auction, and after deducting the reasonable charges, shall pay the balance into the City Treasury. *Provided*, however, that coal for immediate use as fuel in any dwelling-house, store, office or workshop, may be deposited upon the side of the street, so as not to obstruct the sidewalk or traveled way, a time sufficient to have the same removed and housed, not to exceed twenty-four hours, without permission of the City Marshal.

Marshal may remove

Proviso.

Articles in streets without permission, to be removed or sold.

Proviso for coal.

Building materials not to be placed in street without license of Mayor and Aldermen.

SECT. 15. No person shall occupy any street, lane or public square for the purpose of placing wood, lumber or any material intended to be used in erecting or repairing any building on any land abutting on any of the streets, lanes, public squares or other public places within the city, without the license of the Mayor and Aldermen, or some person by them authorized for that purpose,

on penalty of not more than twenty dollars. And the Mayor and Aldermen, or such person as they may appoint, are hereby authorized to grant such permission in writing, and allot such a part of the street or other public place as they may think necessary and sufficient for the purpose, and so as to leave convenient room for carts and carriages to pass therein; and the part so allotted may be used for placing all materials for any such building or other purposes, and for receiving the rubbish arising therefrom; and all the rubbish arising therefrom or thereby shall be fully and entirely removed and carried away at the expense of the person so building or repairing and so occupying said street or other public place, in such time as shall be limited and expressed in such license aforesaid.

Rubbish to be removed.

SECT. 16. In all cases in which license may be given by the Mayor and Aldermen for obstructing any highway, street, townway or passage-way, as described in section fifteen, said board may impose such reasonable conditions and limitations with regard to the erection of barricades, the maintaining of lights, and the taking of other precautions for the security of travelers and passengers as the said board shall consider necessary.

When license is given, conditions may be imposed.

SECT. 17. The owner or driver of any truck, cart, wagon, sled, sleigh or other carriage, shall place the same lengthwise of the street and as near as possible to the post or curbstone of the sidewalk of the street in which he shall stand; and they shall be arranged by said owners or drivers under the order and by the direction of the City Marshal. And any person violating any of the provisions of this section shall be subject to a penalty of not less than one dollar nor more than three dollars.

Trucks, carts, &c., to be placed lengthwise of street and near curbstone.

Penalty.

SECT. 18. No person shall haul or cause to be hauled or moved through any street in the city, any house, stable, store or other building, without first obtaining permission of the Mayor or Aldermen and filing a bond with sufficient sureties, approved by him, or them, with the Treasurer of the city, conditioned to indemnify the city for all damages sustained by such hauling or moving such building; and if such building shall remain in any street beyond the time allowed by such permit, it shall be and hereby is made the duty of the City Marshal, when directed by the Mayor and Aldermen, to cause such building to be taken down or removed out of the street, at the expense of the owner thereof.

Removal of buildings.

Persons removing to give bond.

SECT. 19. Any person violating any of the provisions of section eighteen of this ordinance shall for each and every offence be subject to a penalty of five dollars; and shall be further liable to indemnify the city for all damages to which it may be subjected in consequence of such violation.

Penalty.

SECT. 20. The Mayor and Aldermen may appoint from time to

Stands for teams to be appointed.

time, at their discretion, as many stands for wagons, sleds or other vehicles loaded with wood, hay or lime-casks, as they may think requisite, of which public notice shall be given, and no owner or driver of any such vehicle shall permit the same to stand in the street, unless at a stand so appointed, on penalty of not less than one nor more than five dollars.

Water courses.

SECT. 21. No person shall place any obstruction in any ditch or water course by the side of any highway or street in this city, without providing a sufficent culvert for the passage of the water, to the acceptance of the Road Commissioner, under a penalty not exceeding ten dollars.

Authority to name streets.

SECT. 22. The City Council shall have authority to give names to all streets and squares which are now or may hereafter be laid out, and to change the name of any street or square, and also to give numbers to the doors, entrances, places of business, dwellings and tenements on any street, when they see fit, and require the owners of buildings on any such street to affix the numbers thereto in a proper manner.

SECT. 23. No person shall in any street, lane or public place, willfully or mischievously make any loud or unusual noise, either by the voice or other means, or sing loud, improper or boisterous songs, or in any manner conduct rudely, noisily, or in a way calculated to disturb the quiet and good order of the city, on penalty of not less than one nor more than five dollars.

Persons not to stand in streets, to obstruct passage.

Duties of officers if persons violate section twenty-four

SECT. 24. Three or more persons shall not stand together, or near each other, in any street in the city, in such manner as to obstruct a free passage therein for passengers. It shall be the duty of the City Marshal or any constable, police officer or watchman of the city, to order any persons offending against the provisions of this section, to move on, and if the persons so ordered or requested do not forthwith obey, they shall be liable to a penalty of five dollars for each offence.

Wooden buildings on Main St.

SECT. 25. No wooden building exceeding in height fifteen feet to the highest part of the roof thereof shall hereafter be erected on Main street in this city, between Pleasant street and Lindsey street; and any buildings erected in violation of this ordinance may be declared against as a common nusiance and dealt with accordingly.

The word "streets" to include side walks, &c.

SECT. 26. Whenever the word "street" or "streets" is mentioned in these ordinances, it shall be understood as including highways, alleys, lanes, public squares and public places; and it shall also be understood as including the sidewalks, unless the contrary is expressed, or such construction would be inconsistent with the manifest intent of the City Council.

CHAPTER XII.

FIRE DEPARTMENT.

How constituted.

SECT. 1. The Fire Department shall consist of a Chief Engineer and seven Assistant Engineers, who shall be chosen annually in the month of March, or as soon thereafter as may be, by the City Council, and of as many enginemen, hosemen, and hook and ladder men, to be divided into companies, as the number of engines and the number and quantity of the other fire-apparatus belonging to the city, shall, from time to time, require. The engineers shall perform the duties required of, and exercise the powers conferred upon, fire-wards by the laws of this State.

Engineer's power, &c.

Engine-men how appointed.

SECT. 2. The enginemen and other members of the Fire Department, including the engineers and firemen for the steamers, shall be appointed by the Mayor and Aldermen, on nomination of the Chief Engineer, and shall be removable by the Chief Engineer, by and with the consent and advice of the Mayor and Aldermen.

Engine companies, how organized.

SECT. 3. Pursuant to section two of this ordinance, there shall annually be appointed enginemen for two hand-engine companies, not exceeding thirty-three members each; one steamer company of fifteen men; one hand-steamer company of twenty-five men; one hose company of twelve men, and one hook and ladder company of ten men; which companies shall be subject to and comply with the provisions of all ordinances of the City Council, the rules, regulations and by-laws now in force, or which may hereafter be established for the regulation of the Fire Department, and shall at all times hold themselves in readiness for active duty and service for the term of one year from and after their appointment.

To employ substitutes.

SECT. 4. In case of absence or disability of any member of either of said companies, he shall employ a competent substitute to perform duty in his behalf during such absence or disability, and notify the Chief Engineer thereof; and the Chief or presiding Engineer, before relieving any company in time of fire, shall cause the company roll to be called, and any member having been or then being absent and not having furnished a suitable and approved substitute, shall pay (in addition to any company fine,) a fine of one dollar, to the use of the city, and be liable to removal.

Roll to be called before relieved.

When engines shall be worked.

SECT. 5. It shall be the duty of each of said engine companies to work the engine assigned to such company once each month, from April to October inclusive, and at such other times as the Chief Engineer may direct.

Compensation of members.

SECT. 6. The members of said companies shall each receive a compensation in full for all services performed by them or their substitutes as follows: Foremen of engine companies, $35 per

Pay yearly, not quarterly.

annum; Second Foremen of Engine Companies, $30 per annum; Third Foremen of Engine Companies and Clerks, $25 per annum; Foremen of hook and ladder, and hose companies, $30 per annum; Second Foremen of hook and ladder, and hose companies, $25 per annum; Firemen of steamers, $200 per annum; Engineers of steamers, such compensation per hour while on duty as may be fixed by the Chief Engineer, subject to the approval of the Mayor and Aldermen; Stewards, $50 per annum; Hosemen, brakemen, and hook and ladder men, $20 per annum, payable quarterly. The Chief Engineer shall receive a compensation of $100 per annum, in full for all services performed in line of fire duty imposed by this ordinance.

Organization of companies.

SECT. 7. Each engine company may organize by choosing a Foreman, a Second Foreman, a Third Foreman, (who shall also be Foreman of the Hose,) and a Clerk. Each hand-engine company shall also choose a Steward or Engineman, whose duty it shall be to see that the engines, engine-houses, hose and other apparatus are kept in perfect order. The hose company and hook and ladder company may each organize by choosing a Foreman and a Second Foreman. Each of the above-named companies may adopt such rules and regulations as they may deem expedient, subject, however, to the approval of the Chief Engineer and Mayor and Aldermen; and a copy of such rules and regulations shall be deposited with the City Clerk.

Organization of Board of Engineers.

SECT. 8. The Chief and Assistant Engineers shall, within a reasonable time after their election, meet and organize themselves into a Board of Engineers, and may make such rules for their government as they may see fit. They shall have the superintendence and control of the engine houses and apparatus belonging to the Fire Department, and over the officers and members belonging to the department; and they may make such rules and regulations for the government, discipline and good order of the department, and for the extinguishment of fires, as they may from time to time think expedient, the same being subject to the approval of the Mayor and Aldermen.

Their duties and powers.

Powers of Chief Engineer in case of fire.

SECT. 9. The Chief Engineer shall have the sole and absolute control and command over all the Engineers and other persons attached to the Fire Department, when on duty, and shall direct all proper measures for the extinguishment of fires. protection of property, preservation of order and observance of the fire laws, ordinances and regulations. In the absence of the Chief Engineer, the senior Assistant Engineer present shall have the powers and perform the duties belonging to and required of the Chief Engineer.

SECT. 10. It shall be the duty of the Chief Engineer, at least

once a month, and also within one day after every fire, to examine into the condition of all the reservoirs and hydrants, and of all the fire apparatus belonging to the city, and see that the same are in suitable order for instant service. He shall superintend the construction and repair of all reservoirs, shall direct and authorize all repairs of the engines and apparatus belonging to the Fire Department approved of by the Mayor and Aldermen, and report the same, from time to time, to the City Council. He shall, in the month of March annually, report to the City Council the state of said apparatus, the service performed by the department during the year, and all the accidents by fire, with the causes thereof and damages, as far as they can be ascertained.

Duties of Chief Engineer.

Shall report annually to the City Council.

SECT. 11. It shall be the duty of the members of the Fire Department, whenever there shall be an alarm of fire in the city, forthwith to repair to their respective engines and other apparatus, to convey the same to or near the place where the fire may be, to place themselves under the control of the Chief and other Engineers, and upon permission from the Chief or presiding Engineer, in an orderly manner to return such engines and apparatus to their respective places of deposit; *provided*, that in absence of all the Engineers, such permission and orders shall proceed from their respective foremen. It shall also be the duty of the members of said companies, on returning from any fire, (or from monthly or other practice, as hereinbefore provided for,) to cause their respective engines and other apparatus to be well cleansed, washed and housed, the leading hose which has been used when out hung up in their respective towers, and their hose-carriage reels filled with dry hose.

Duty of members of the Fire Department.

Engine and apparatus to be cleansed, &c

SECT. 12. The city shall have constantly on hand not less than one thousand feet of good leading hose, with reducing couplings, for each steamer, and not less than six hundred feet for each hand engine, all in good order and ready for service.

Amount of hose required.

SECT. 13. The Chief Engineer shall certify to all bills of repairs and other expenses of the Fire Department pertaining to the fire apparatus, before the same are allowed by the Committee on Accounts and Claims.

Chief Engineer to certify bills.

SECT. 14. There shall be a parade and review of the whole Fire Department, in the month of September annually, under the direction of the City Council, with such entertainment as shall be thought proper.

Parade and review in September.

SECT. 15. No engine shall be taken from the city, or used for other purposes than extinguishing fires, or for drill, without the permission of the Mayor and Aldermen.

SECT. 16. If any person, except in case of an alarm of fire, or by permission of the Chief Engineer, shall take, or assist in taking

any fire hooks or ladders from the place or places where they are kept for the use of the city, or shall use either or any of the same, except in such case of fire, or by such permission, he shall be subject to a penalty for such offence of not less than five dollars.

CHAPTER XIII.

PROTECTION AGAINST FIRE.

Engineers to cause removal of combustibles.

SECT. 1. It shall be the duty of the Chief and other Engineers of the Fire Department to inquire and examine into all lime-sheds, shops and other places where shavings or other combustible materials may be collected and deposited, and at all times to be vigilant in causing the removal of the same, whenever in the opinion of any two of them the same may endanger the city; and to direct the owner or occupant of such lime-shed, shop or other place to remove the same, or cause the same to be removed, at his expense, under the direction of the engineers.

To examine stove-pipes and flues.

SECT. 2. It shall be the duty of such Engineers as the Mayor and Aldermen may direct so to do, to inquire and examine into the condition of such chimneys, stoves, stove-pipes and flues as may be used in any stores, dwelling-houses, shops or other places within the city, and whenever any of such chimneys, stoves, stove-pipes or flues shall be defective or out of repair, or so constructed that any building, or other property, shall be in danger of fire therefrom, it shall be the duty of the said Engineers to give notice to the owner, or possessor of such chimney, stove, stove-pipe or flue, to remove or repair the same, and if such owner, or possessor shall, for the space of forty-eight hours after such notice, unnecessarily neglect to remove or repair the same, he shall be subject to a penalty of not less than two nor more than five dollars; and if such owner, or possessor, shall so neglect to remove or repair such chimney, stove, stove-pipe or flue, for the space of forty-eight hours after such notice as aforesaid, it shall be lawful for the Chief Engineer to remove or repair the same, the expenses of which may be recovered by an action of the case by the City Treasurer against such owner or possessor.

To cause removal or repair when dangerous.

Penalty incurred by owners by refusal to remove or repair.

Penalty for setting on fire stove-pipe, &c. Proviso.

SECT. 3. If any chimney, stove-pipe or flue within the city shall be purposely set on fire, the person so setting the same on fire shall be subject to a penalty of two dollars; *provided*, it may be lawful for any person to set fire to his chimney, stove-pipe, or flue, in the forenoon of any day when the contiguous buildings are wet with rain or covered with snow.

CHAPTER XIV.

BATHING.

Prohibition to bathe undressed between certain limits.

SECT. 1. No person shall bathe, or swim, undressed, in the tide waters of Owl's head Bay between the foot of Washington street and the southern line of the city, or in any brook or stream within fifty rods of any street or dwelling, so as to be seen by any persons in any street, building or public place, between the hours of six in the morning and dusk in the evening, on penalty of not less than one nor more than five dollars, for each offence.

Penalties.

CHAPTER XV.

SALE AND PURCHASE OF WOOD AND BARK.

All wood and bark to be measured by a qualified measurer.

SECT. 1. All wood and bark which shall be brought into the city and exposed for sale therein, shall, before the sale and delivery thereof, be measured and the contents of each load ascertained by a measurer of wood and bark of the city, duly appointed and qualified, at the expense of the seller; and a certificate of the contents of each load shall be made and signed by such measurer, by which certificate the quantity shall be determined; and the sale of such wood and bark shall be made, as regards the contents thereof, by such certificate. Provided that in case the purchaser of such wood or bark is dissatisfied with such measurement, he may employ a different measurer, who shall give a certificate of measurement, at the expense of the purchaser.

Sale to be made by measurer's certificate.

Proviso.

Penalty for selling without such measurement.

SECT. 2. If any person or persons shall sell any wood or bark within the city before the contents is determined by such measurer of wood and bark, he or they shall be subject, for each and every offence, to a penalty of not less than one, nor more than three dollars.

Mayor and Aldermen shall appoint measurers of wood and bark.

SECT. 3. The Mayor and Aldermen shall appoint annually such number of measurers of wood and bark as they may deem proper, who shall be under such regulations as the Mayor and Aldermen may determine.

May remove negligent and unfaithful measurers.

SECT. 4. The Mayor and Aldermen may remove any measurer at any time when it shall appear to them that he is negligent or unfaithful in his office, or whenever they shall be dissatisfied with his services.

Fee for measuring.

SECT. 5. The fees for measuring each load of wood and bark and for the survey bill shall be five cents; and for each cord which shall be unloaded and piled, when the quantity does not exceed

five cords, the sum of four cents; and not exceed twenty cords, the sum of three cents; and for each additional cord, more than twenty, the sum of two cents.

Penalty for presuming to be a measurer of wood and bark without appointment.

SECT. 6. Any person who shall presume to be a measurer of wood or bark, when not appointed to office agreeably to this ordinance, shall be subject to a penalty of one dollar.

Persons deemed to have thus presumed.

SECT. 7. Any person giving a certificate of the quantity of wood or bark contained in any load or pile, or receiving any fee for surveying any wood or bark, when not appointed or qualified according to this ordinance, shall be taken and deemed as having presumed to be a measurer of wood and bark, and shall be liable to the penalty aforesaid.

Kiln wood may be sold without measurement.

SECT. 8. Nothing contained in this ordinance shall be so construed as to prohibit the sale of any kiln wood without such measurement.

CHAPTER XVI.

RESPECTING THE SALE OF CORN AND GRAIN BROUGHT INTO THE CITY BY WATER.

Measurers of corn and grain, how appointed.

SECT. 1. There shall annually be appointed by the Mayor and Aldermen, a suitable number of persons to be measurers of corn and grain brought into the city by water; who shall be sworn to the faithful performance of their duty, whose duty it shall be to measure, inspect and ascertain the quality of all corn and grain so brought, and who shall receive for their services for corn and grain by them respectively measured, not exceeding one hundred bushels in amount, seven mills for each bushel, and for any quantity exceeding one hundred bushels, four mills per bushel for such excess, to be paid by the purchaser thereof.

Duties of such measurers.

Fees for measuring.

Corn and grain brought by water to be inspected and measured.

SECT. 2. All corn and grain brought to the city by water, shall, before the same is sold and delivered, be inspected and measured by a measurer appointed as aforesaid, who shall have the power, and whose further duty it shall be to make due and proper allowance for dampness in said corn and grain. And if any person shall sell or cause to be sold from on board any vessel within the city, any corn or grain before the same shall have been inspected and measured as aforesaid, every such person and every master or owner of the vessel in which the same may be sold, shall be subject to a penalty of five dollars for each and every offence.

Penalty for violation of regulation.

Penalty for assuming to be a measurer of grain and corn.

SECT. 3. If any person or persons not appointed and qualified as aforesaid, shall measure or inspect any corn or grain brought to

the city by water, he or they shall severally be subject to a penalty of five dollars for each offence.

CHAPTER XVII.

TRUANTS AND ABSENTEES FROM SCHOOL.

Acts respecting truan children.

SECT. 1. The city of Rockland hereby adopts and avails itself of the provisions of sections twelve, thirteen and fourteen of chapter eleven of the Revised Statutes of Maine; and in virtue of the authority therein granted, it is further ordained:

Children from six to seventeen to attend school, &c.

SECT. 2. All children residing in said city between the ages of six and seventeen, being without any regular occupation, and growing up in ignorance, shall, unless there be some sufficient reason to the contrary, be required regularly to attend some public or private school.

Punishment for truancy.

SECT. 3. Every child between the ages of six and seventeen, failing to comply with the provisions of the foregoing section, and all children belonging to any public school in the city, who shall be habitual truants therefrom, shall be liable to a penalty of not more than five dollars, upon each and every conviction thereof. And for the purpose of this ordinance all persons between the ages aforesaid, belonging to any public school in the city, who without sufficient excuse, shall be absent therefrom six or more times in the course of any one school term, shall be taken and deemed to be habitual truants.

Who shall be deemed habitual truants.

Truant officers, how chosen.

SECT. 4. The City Council of said city shall, on the fourth Monday of March annually, or as soon thereafter as may be, elect three persons, who shall be denominated Truant Officers, who alone shall be authorized to make the complaints in every case of the violation of this ordinance, and shall alone have authority to carry into execution the judgment of the judge or justice, or other judicial officer, and shall execute all other duties required by this ordinance.

Truants, how dealt with.

SECT. 5. Any person between the aforesaid ages of six and seventeen, belonging to any public school in the city, who shall be found during school hours, by the said Truant Officers, or either of them, in or near any street, square, public place, or place of amusement or resort, without sufficient excuse for said absence from school, shall be apprehended by such officers, and taken to such school as he may be entitled to attend, and notice given to the parent, guardian or master of the person so taken.

SECT. 6. The judge, for the time being, of the police court of

Judge of police court to have jurisdiction, &c.

the city of Rockland, shall have sole and exclusive jurisdiction of all acts, matters and things arising under this ordinance, shall issue all precepts necessary for the due enforcement hereof, and shall hear, determine and pass judgment upon all cases arising under this ordinance, as to law and the best interests of the schools shall appertain.

Truants may be sent to Reform School.

SECT. 7. Instead of the fines provided in section three for violating the provisions of this ordinance, the said judge may order the offender to be placed, for such period of time as he may deem expedient, in the Reform School, or other suitable situation provided for the purpose, under the authority conferred by chapter eleven, section twelve, of the Revised Statutes.

CHAPTER XVIII.

SNOW GUARDS ON BUILDINGS.

Guards to prevent snow sliding from roofs.

SECT. 1. Whenever it shall be made to appear to the Mayor and Aldermen of the city, that the roof of any building bordering upon any street, is so shaped or situated, that there may be reasonable apprehensions of danger to persons, resulting from the sliding, from said roofs, of any snow or ice that has accumulated or may thereafter accumulate thereon, it shall be their duty, and they are hereby required to forthwith notify the owner or owners of such building of the existence of this ordinance and its provisions, and said owners shall place, within thirty days after such notice, suitable and substantial guards upon the roofs of such buildings, to prevent the sliding of snow and ice therefrom.

To be provided at cost of owners.

SECT. 2. If the owner or owners of such buildings do not comply with the requirements of this ordinance, in thirty days after such notice, they shall be liable for all injury to any person consequent thereon; and the Mayor and Aldermen, at the expense of the city, may place the required guards on the roofs of such buildings, and the reasonable charges therefor may be recovered of such owners.

CHAPTER XIX.

REGULATIONS FOR THE TRANSPORTATION OF LIMESTONE.

SECT. 1. All loaded wagons and carts employed in transporting

lime stone to the kilns in this city shall be required to use a tire not less than five inches in width, on all streets, roads and ways in the city, except such as are named in the second section of this ordinance. Tires to be five inches, except on certain streets.

SECT. 2. The following streets, roads and ways in this city are hereby excepted from the provisions of the first section of this ordinance, namely:— Streets exempted.

1. So much of the Old County Road leading from Thomaston to Camden as lies between the John O'Neil corner, so called, and the house of John McIntosh.

2. The road leading from the Old County Road above-named, near the shop of O. M. Lampson, and crossing the Meadow by the Ingraham and Sherer kilns, and thence by the house of Jonathan Spear, to said Spear's quarry in pasture.

3. The road leading from the Old County Road aforesaid, past the dwelling-house of Wm. Thompson, to the quarries situated near said road.

4. Maverick street, and to Blackington's corner.

5. That part of Camden street extending from Maverick street to Cedar street.

6. Cedar street.

7. Rankin street.

8. Lime Rock street.

9. That part of Pleasant street extending from the Old County Road aforesaid, to Park street.

10. Park street.

11. That part of the New County Road extending from the line of Thomaston to Park street.

12. That part of Main Street extending from Water street to Front street.

13. That part of Front street extending from Rankin Block to A. J. Bird's store.

14. Sea street.

15. Lime street.

16. Pearl street.

17. Winter street.

18. From Sea street, by the dwelling-house of John Crockett, to the Crockett and Farwell kilns.

19. Water street.

20. That part of Ocean street extending from Water street to Crescent street, thence on Crescent to Atlantic street, and thence on Atlantic street to the Atlantic Wharf Company kilns.

21. North Main street.

22. Trinity street.

Penalty.

SECT. 3. Any person violating any of the provisions of section one shall be liable to a penalty of not less than one nor more than five dollars for every such offence.

CHAPTER XX.

WARD AND GENERAL MEETINGS.

Form of warrant for ward meetings.

SECT. 1. The form of warrants for calling meetings of the citizens of the several wards shall be as follows, viz:

General meetings.

STATE OF MAINE.

CITY OF ROCKLAND, ss.

To *Greeting.*

In the Name of the State of Maine, you are hereby required forthwith to notify and warn the inhabitants of the———ward, in the City of Rockland, qualified according to law, to assemble at the ————————in said ward, on———the———day of———at——— o'clock in the forenoon, to give in their votes for———.

The polls will close at four o'clock in the afternoon.

You are also required to give notice to said inhabitants that the Aldermen of said city will be in open session, at their room in the ————————on each of the three secular days next preceding the day of election, from———o'clock———to———o'clock, P. M., on each of said days, for the purpose of correcting the lists of voters in and for the several wards, and receiving evidence of the qualifications of voters whose names are not on said lists.

Hereof fail not, and make return of this warrant, with your doings thereon, at said time and place of meeting.

Given under our hands at the city of Rockland, this———day of A. D. 18 .

———— ————, Mayor.

} Aldermen of the City of Rockland.

SECT. 2. The form of warrants for calling meetings of the inhabitants of the city of Rockland shall be as follows, to wit:

STATE OF MAINE.

CITY OF ROCKLAND, ss:

To *Greeting.*

In the name of the State of Maine, you are hereby required

forthwith to warn and notify the inhabitants of the city of Rockland, qualified according to law, to assemble at———, on the ———day of———, A. D. 18—., at —o'clock—M., then and there to act on the following articles, to wit:———

Hereof fail not, and make return of this warrant with your doings thereon.

Given under our hands, at the city of Rockland, this———day of———, in the year of our Lord one thousand eight hundred and ———.

——— ———, Mayor.

} Aldermen of the City of Rockland.

SECT. 3. All warrants for calling general and ward meetings shall be served by the City Marshal or his deputy, or any constable of the city; warrants for general meetings shall be returned to the Mayor and Aldermen, on or before the meeting therein specified; warrants for ward meetings shall be returned to the wardens of the several wards, on or before the time of meeting therein named. General and ward meetings, how called.

SECT. 4. It shall be the duty of the Mayor and Aldermen to fix the time of opening the polls, in the election of all officers, and insert the same in any warrant and notification to the inhabitants, of such election. Opening the polls.

SECT. 5. The service of warrants of ward meetings shall be made by posting up copies thereof in at least one public place in the ward mentioned in the warrant, seven days at least before the time of meeting mentioned therein; and the service of warrants for general meetings shall be made by posting up copies thereof in at least one public place in each ward, seven days at least before the time of meeting; and it shall be the duty of the City Clerk to cause notice of all ward and general meetings to be published in one or more newspapers printed in the city, between the time of issuing the warrants and the time appointed for said meeting. Provided that in case it is necessary to have a third trial for the election of Mayor, said warrants shall be posted up not less than three nor more than four days previous to said meeting. Service of warrants.

CHAPTER XXI.

PUBLIC BURYING GROUNDS.

SECT. 1. The Mayor of the city, the City Treasurer and the Chairman of the Overseers of the Poor shall constitute a Board to Cemetery Board.

be denominated the Cemetery Board, but shall receive no compensation for their services as such.

To lay out grounds.

SECT. 2. It shall be the duty of the Cemetery Board to lay out into ranges, divided into lots of suitable size, and with avenues of sufficient width for the passage of carriages, all land hereafter purchased or acquired by the city to be used for the burial of the dead, and to place a valuation upon said lots, not to exceed ten dollars upon each lot. They shall make or procure a plan of said ground, with the avenues, ranges and lots properly designated and numbered, and file the same with the City Treasurer for the use of the city; and the Mayor and City Treasurer are hereby authorized to execute and deliver to any citizen of Rockland, who may apply for the same, a legal title to any unoccupied lot belonging to the city, upon the payment to the City Treasurer of the amount at which said lot is valued: *provided, however*, that not more than one lot shall be deeded to any one person or family, unless the Cemetery Board shall consider it necessary and approve the same.

Deeds to citizens, how given.

But one lot to be deeded to one person or family.

Moneys arising from the sale of lots, how appropriated.

SECT. 3. All moneys received from the sale of said lots shall be devoted to the fencing, laying out and adorning said Cemetery, under the direction of the Cemetery Board, and the purchase of additional land when the same shall be required.

SECT. 4. It shall also be the duty of the Cemetery Board to have the care and superintendence of the public burying grounds in or controled by the city, and also, by themselves, or undertakers duly appointed, to see that all burials in said grounds are made in proper conformity to the ranges and divisions of the same.

Persons conducting improperly may be excluded.

SECT. 5. Any person or persons whose conduct may be improper or riotous, or whose language may be obscene or unbecoming, in any public burying ground in or controlled by the city, may be excluded therefrom by the Cemetery Board, or any Undertaker, and such person or persons refusing to leave upon request of the person having charge of the ground, shall be subject to a penalty of not less than one nor more than twenty dollars; and any of the aforesaid persons who shall presume to enter any ground, when forbidden by the person having the charge thereof, shall be subject to the like penalty.

Penalty for willful injuries.

SECT. 6. Any person who shall willfully injure any fence, ornamental tree, walk, grave, monument, tombstone, or any other memento, in any burying ground, in or owned by the city, shall be liable to a penalty of not less than one nor more than twenty dollars.

How recovered.

SECT. 7. The above penalties to be recovered to the use of the prosecutor.

CHAPTER XXII.

FIXING THE TIME WHEN THE CITY ORDINANCES SHALL TAKE EFFECT, AND REPEALING PREVIOUS ORDINANCES.

When to take effect.

SECT. 1. These ordinances, included in the several chapters numbered from Chapter I, to Chapter XXII, inclusive, shall take effect and be in full force from and after the second day of May, A. D. 1870, and all ordinances which may be hereafter passed by the City Council shall take effect and be in full force in ten days from and after the publication thereof in some newspaper printed in the city, unless otherwise provided.

Repeal of previous ordinances.

SECT. 2. All ordinances and parts of ordinances at any time heretofore passed by the City Council, and not included in these several chapters of ordinances numbered from Chapter I, to Chapter XXII, inclusive, are hereby repealed, and shall expire and cease to have effect from and after the time when these ordinances shall take effect.

IN BOARD OF ALDERMEN,
APRIL 12, 1870.

These ordinances, including the several chapters numbered from one to twenty-two inclusive, having had two several readings and having been reported truly and correctly engrossed, passed to be enacted. Sent down for concurrence.

GEORGE W. KIMBALL, JR., *Mayor.*

IN COMMON COUNCIL,
APRIL, 12, 1870.

The within ordinances, including the several chapters numbered from one to twenty-two inclusive, having had two several readings and having been reported truly and correctly engrossed, passed to be enacted in concurrence.

T. E. SIMONTON, *President.*

BELFAST, APRIL 27, 1870.

The foregoing by-laws and ordinances, being consistent with the laws of this, State are hereby approved.

J. G. DICKERSON, *J. S. J. C.*

RULES AND REGULATIONS.

RELATING TO THE

SALE AND KEEPING OF GUNPOWDER.

Persons to be licensed to keep and sell gunpowder.

SECT. 1. The Mayor and Aldermen, on application in writing to them made, shall annually license a suitable number of discreet persons to keep and sell gunpowder in the city of Rockland.

May keep not exceeding 5000 lbs. in depository.

SECT. 2. Any person or persons licensed as aforesaid, who may hereafter wish to keep in store, for sale or distribution, large quantities of gunpowder, may erect or locate, at the place appointed by the municipal officers for a gunpowder depository, a suitable building therefor, and therein may, from time to time, deposit and keep, in kegs of twenty-five pounds each, so much gunpowder as the business of the city may require, not exceeding, however, at any one time, the quantity of five thousand pounds.

Owners of quarries may keep not exceeding 125 lbs. Conditions.

SECT. 3. Owners of limestone quarries within the city, for their convenience in working the same, may deposit and keep in well constructed buildings, adapted to the purpose, in or near their quarries, a convenient quantity of gunpowder for immediate use, not exceeding at any one time one hundred and twenty-five pounds; *provided, however*, that no such building designed and used for such a purpose, shall be located within fifteen rods of any public street or highway, nor within thirty rods of any occupied dwelling house.

How kept for occasional blasting.

SECT. 4. Road Commissioners, highway surveyors and other persons occasionally employed in blasting rock in the rural parts of the city, for public or private purposes, may keep in secure deposits, on their own premises, the gunpowder immediately necessary for such purpose, while actually so engaged, but no longer.

Retailers to keep not more than 25 lbs.

SECT. 5. No person licensed to keep and sell gunpowder, at retail, or in less quantities than twenty-five pounds at one time, shall have or keep in his store, or other building or place, except the gunpowder depository, more than twenty-five pounds at one time, and that in a secure tin or copper vessel, and where it can be readily removed in case of fire.

Unlicensed persons not to keep more than one pound.

SECT. 6. No person not licensed to keep and sell gunpowder, except as hereinbefore provided, shall keep or have in his store, shop or dwelling house, at any one time, a larger quantity of gunpowder than one pound.

[Adopted in Board of Aldermen January 31, 1863.]

REGULATIONS

FOR THE

GOVERNMENT OF THE CITY LIQUOR AGENCY.

IN BOARD OF ALDERMEN, }
AUGUST 17, 1866. }

Ordered, That the rules hereto annexed, embracing an abstract of certain provisions of the "Act for the suppression of drinking-houses and tippling-shops," together with other regulations prescribed by this Board, be and are hereby adopted for the government of the Liquor Agency, and that the City Agent be required to conform strictly thereto; and it is also ordered that fifty copies of said rules be printed for the use of said Agency.

Read and passed.

Z. POPE VOSE, *City Clerk.*

RULES.

1. The City Agent shall receive, from time to time, from this Board, or its agent duly authorized to purchase the same, such quantities of intoxicating liquors as may be necessary to be sold for "*medicinal, mechanical and manufacturing purposes, and no other*," and shall sell the same in all respects in conformity to the provisions of the "Act for the suppression of drinking-houses and tippling-shops," applying to towns and cities, and shall receive for his services such compensation as shall from time to time be fixed by this Board.

2. Said Agent shall keep, in a suitable book, a full invoice of all liquors received by him from this Board, or its purchasing agent, specifying the kind, quality, quantity and price of said liquors, and the date at which the same are received at the agency; and said Agent shall not purchase nor keep for sale, on

his own account, any intoxicating liquors, during the time of his holding said agency; nor shall he in any way have any interest in the liquors by him sold, nor in any profits arising from the sale of the same.

3. Said Agent shall keep in a book, suitably prepared for the purpose, a full record of all sales of intoxicating liquors made at said agency, which record shall state the time of each sale, the kind, quality, quantity and price of the liquor sold, the person to whom the sale is made, the purpose for which said liquor is required, and the person (if any) upon whose recommendation or prescription it was sold. Every such record shall be made at the time of sale, or within an hour thereafter, and said record shall be open to public inspection.

4. Said Agent shall, on the first of every month, present to this Board a written report of the transactions of said agency for the month previous, which report shall state the kind, quality, quantity and price of all liquors sold at the agency during the month, with the profits of said sales, and also the kind, quality and quantity of liquors received during the month, and the amount on hand at the date of the report.

5. No liquors sold by said Agent shall be by him diluted, adulterated, or in any way made factitious.

6. No liquors shall at any time be sold by said Agent to any minor, without the direction, in writing, of his parent, master or guardian.

7. No liquors shall be knowingly sold by said Agent to any Indian, soldier, drunkard, or intoxicated person, nor to any such persons as are described in Sec. 4, Chap. 67 of the Revised Statutes.

8. No liquors shall be sold by said Agent to any intemperate person, of whose intemperate habits he has been notified by the relatives of such person, or by the Mayor, Aldermen, Assessors, or City Marshal; and said Agent shall keep a record of all such notifications received by him.

9. The relatives of any intemperate person are requested to give notice of the intemperate habits of such person to the Mayor, Aldermen or City Marshal, and notice thereof will immediately be given to the City Agent.

For any willful violation by him of any of the foregoing rules, or of any of the provisions of the "Act for the suppression of drinking-houses and tippling-shops," the appointment of the City Agent shall be immediately revoked.

BOUNDARIES AND LIMITS

OF THE SEVERAL

WARDS IN THE CITY OF ROCKLAND,

AS ESTABLISHED BY THE SELECTMEN OF THE TOWN OF ROCKLAND, UNDER THE PROVISIONS OF SECTION 22 OF THE CITY CHARTER, AND AS RE-ESTABLISHED BY A RESOLVE OF THE CITY COUNCIL, PASSED SEPT. 7, 1864.

WARD No. 1.—Beginning at the centre of Cedar street, extended to the shore, thence running by the middle of said Cedar street, N. 35 deg. W. to the westerly side of the house of the late David Crockett, Esq., thence N. 67 deg. E., crossing the road from Blackington's corner, to Achorn's wharf, west of the Randall houses, 120 rods; thence N. 58 1-2 deg. E., 175 rods to Camden line; thence by said line, S. 32 deg. E., to the shore of Penobscot Bay, at Jameson's Point; thence by said shore, easterly and southerly to the first bounds.

WARD No. 2.—Beginning at the middle of Cottage street, extended to the shore, thence N. 39 deg. W. up to and through said Cottage street, crossing the road leading from David Gay's to Blackington's Corner; thence to and by Sherer's south line, N. 39 deg. W., to Samuel Rankin's northwesterly corner; thence N. 46 1-2 deg. E., to Lanson Dean's land; thence S. 39 deg. E. 21 rods; thence N. 48 deg. 20 rods to Charles Crockett's land; thence N. 64 deg. E., 46 rods to the middle of Cedar street, west of David Crockett, Esq's. house; thence on the middle of Cedar street S. 35 deg E. to the shore, thence westerly by said shore to the first bounds.

WARD No. 3.—Beginning at the shore, at a point due east from the northern end of Custom House Block, thence westerly between Custom House and Kimball Blocks, to Main street; thence crossing Main street to the middle of Lime Rock street, and westerly, on said Lime Rock street, to the westerly side of the Marsh brook; and thence N. 19 deg E., across the westerly end of the original shore lots, 100 rods; thence N. 29 1-2 deg. E. 36 rods; thence N. 8 deg. E. 51 rods to stake and stones near the south

side of Rankin street; thence N. 46 1-2 deg. E.; crossing said street, and running on Samuel Rankin's west line, to his north-westerly corner; thence S. 39 deg. E. on said Samuel Rankin's north line, and Sherer's south line, to the road leading from David Gay's to Blackington's Corner, thence crossing said road to Cottage street, and down the middle of Cottage street to the shore; thence southerly by the shore to the first bounds.

Ward No. 4.—Beginning at the south cove, at the foot of Winter street; thence westerly, up Winter street, to Main street; thence southerly on Main street to the original south line of Andrew Ulmer's heir's land; thence westerly, taking in the northerly half of Spear Block, and running on said heir's line, Jona. Crockett's heirs' line, W. E. Tolman's line, David Winslow's line, and Gilbert Ulmer's line, to a reserved street, or way between said Gilbert Ulmer's and Jacob S. Ulmer's land; thence on said Cross street or reserved way, N. 38 deg. E. 74 rods to the middle of Lime Rock street, thence easterly on said Lime Rock street, crossing Main street to the shore, including Custom House Block; thence by the shore, around the Crockett Point to the place of beginning.

Ward No. 5.—Beginning at Spear's Cove, at the centre of Pleasant street, extended to the shore, thence west 10 rods more or less to the middle of Main street; thence southwesterly on Main street, to the Holmes farm road; thence westerly, by said road and the southerly line of the Holmes farm, to the easterly line of Thomaston; thence northeasterly on said line to Pleasant street, at the most eastern angle of the Blackington farm; thence N. 38 1-2 deg. E., 42 1-2 rods; thence N. 88 deg. E. 31 rods, thence N. 38 deg. E. 40 1-2 rods, to the line between James Thompson's, and Gilbert Ulmer's lots, thence easterly, by said line, David Winslow's line, Walter. E. Tolman's line, Jonathan Crockett's line, and the original south line of Andrew Ulmer's heirs, to the middle of Main street, including the southerly half of Spear Block; thence northerly on Main street, to Winter street; thence easterly by Winter street, to the South Cove at Snow's wharf; thence by said cove, southerly and westerly, to the place of beginning.

Ward No. 6.—Beginning at the shore of Owl's Head Bay, at South Thomaston line, thence, southwesterly, by said line, to the easterly line of Thomaston; thence northerly, by said line until it intersects the original south line of the Holmes farm; thence easterly by said line, and the Holmes farm road so called, to the middle of Main Street; thence northeasterly, on Main street to the centre of Pleasant street; thence east 10 rods, more or less, to the shore of Spear's Cove; thence southerly, easterly, and westerly, as

the shore runs around Ingraham's Point, so called, to the first bounds.

WARD No. 7.—Beginning in the middle of Pleasant street, at the easternmost angle of the Blackington farm, thence northwesterly, by the northern line of Thomaston, to the easterly line of Warren; thence northeasterly, by Warren line to Camden line; thence southeasterly, by said Camden line, to land of Josiah Tolman's heirs, at stake and stones; thence S. 58 1-2 deg. W. on said land, and on Robert Crockett's easterly line 175 rods; thence S. 67 deg. W., crossing Waterman Fales' land, the Achorn road, and Charles Crockett's land, 120 rods to Cedar street; thence S. 64 deg. W., to Joseph Ingraham's Corner; thence S. 48 deg. W. 28 rods; thence N. 39 deg. W. 21 rods; thence S. 46 1-2 deg. W. 93 rods, crossing Rankin street west of the reservoir, to stake and stones; thence S. 8 deg. W. 51 rods; thence S. 29 1-2 deg. W. 36 rods; thence S. 19 deg. W. between the shore lots and meadow lots, 100 rods to Lime Rock street, at the west side of the Marsh brook; thence northwesterly on said Lime Rock street, 31 1-2 rods; thence S. 38 deg. W. 127 rods; thence S. 83 deg. W. 31 rods; thence S. 38 1-2 deg. W. 42 1-2 rods to the first bounds.

LIST OF TOWN OFFICERS

OF THE

TOWN OF EAST THOMASTON AND ROCKLAND,

FROM ITS INCORPORATION IN 1848, TO THE ORGANIZATION OF THE CITY GOVERNMENT IN 1854.

The town of East Thomaston was divided from the parent town of Thomaston, and incorporated by an act of the Legislature passed and approved July 28, 1848, and was organized at a legal town meeting, held on the 22d of August, 1848. The name of the town was changed to ROCKLAND by an act of the Legislature approved July 17, 1850, and the City Charter was accepted at a legal town meeting held June 3d, 1854, by a vote of 238 in favor, over 110 against, the acceptance of said charter. The City Government was organized July 17, 1854.

MODERATORS AT ANNUAL MEETINGS.

1848	Joseph Hewett.	1852	Henry C. Lowell.
1849	Nathan A. Farwell.	1853	Hermon Stevens.
1850	David M. James.	1854	Joseph Farwell.
1851	Iddo K. Kimball.		

TOWN CLERK.

1848 to 1854. Nathaniel Meservey.

SELECTMEN AND OVERSEERS OF THE POOR.

1848	Joseph Hewett,	1852	Elkanah S. Smith,
	Oliver B. Brown,		George S. Wiggin,
	Elkanah S. Smith.		Timothy Williams.

1849 Elkanah S. Smith,
Oliver B. Brown,
Elkanah Spear, Jr.

1850 Elkanah S. Smith,
Charles A. Macomber.
George S. Wiggin.

1851 George S. Wiggin,
Elkanah S. Smith.
Timothy Williams.

1853 George S. Wiggin,
Alden Ulmer,
A. J. Bird.

1854 George S. Wiggin,
Alden Ulmer,
A. J. Bird.

ASSESSORS.

1848 to 1851 The Selectmen.
1851 John Bird, Jonathan White, John S. Coburn.
1852 to 1854 The Selectmen.

TOWN TREASURER.

1848 to 1854 Charles Holmes. 1854 Maynard Sumner.

SUPERINTENDING SCHOOL COMMITTEE.

1848 Samuel C. Fessenden,
Henry Paine,
Silas Illsley.

1849 Samuel C. Fessenden,
Henry Paine,
R. R. Walworth.

1850 Walter E. Tolman,
Benj. B. Thomas,
James Seavey.

1851 Charles R. Mallard,
James Seavey,
Charles A. Libby.

1852 Charles A. Libby.

1853 Samuel C. Fessenden.

1854 Wakefield G. Frye,
Davis Tillson.

[NOTE.—Up to 1851 three members of the Committee were chosen each year, but thereafter they appear to have been elected as at present, though the record does not specify the term of election. The list shows the *elections* after 1851, and not the whole number on the Committee.]

GOVERNMENT OF THE CITY OF ROCKLAND,

WITH A

LIST OF THE PRINCIPAL CITY OFFICERS,

FROM 1854 TO 1870.

MAYORS.

Knott Crockett,	1854 and 1855	George S. Wiggin,	1858 to 1867
Hiram G. Berry,	1856	Joseph Farwell,	1867 and 1868
Charles Crockett,	1857	Geo. W. Kimball Jr,	1869 and 1870

CITY CLERKS.

Wakefield G. Frye,	1854 to 1857	Z. Pope Vose,	1865 and 1866
E. R. Spear,	1857	W. J. Bond,	1867 to Sept. 1868
Alden Sprague,	1858	E. R. Spear,	Sept. '68 to Mar. 1869
Oliver G. Hall,	1859 to 1865	Z. Pope Vose,	1869 and 1870

ALDERMEN.

WARD 1.

A. J. Bird,	1854 to 1856	Philo Thurston,	1860 to 1864
Josiah Achorn,	1856	Charles L. Allen,	1864 to 1867
Calvin Hall,	1857	Calvin Hall,	1867 to 1869
P. T. Prescott,	1858	Philo Thurston.	1869 and 1870
Calvin Hall,	1859		

WARD 2.

Isaac Gregory,	1854 to 1856	Charles Crockett,	1863
Edward C. Healy,	1856	Robert Crockett,	1864
Isaac Gregory,	1857 to 1859	Azariah Stanley,	1865
Charles Crockett,	1859 to 1862	Hanson G. Bird,	1866 to 1868
A. T. Low,	1862	W. H. Rhoades,	1868, '69 and '70

WARD 3.

George S. Wiggin,	1854 to 1856	Wm. H. Titcomb,	1859 to 1862
Alfred H. Kimball,	1856 to 1858	C. R. Mallard,	1862
Arthur L. Lovejoy,	1858	Charles W. Snow,	1863 to 1865

ALDERMEN, Ward 3, (Continued.)

Nathan A. Farwell,	1865	I. K. Kimball,	1869
Francis Cobb,	1866 to 1867	Francis Cobb,	1870

Ward 4.

Thomas Colson,	1854 to 1856.	John P. Wise,	1864 to 1866
Walter E. Tolman,	1856	Benj. Litchfield, Jr.	1866 to 1868
B. Litchfield,	1857	C. G. Moffitt,	1868
M. E. Thurlo,	1858	Wm. Adams,	1869
C. G. Moffitt,	1859 to 1862	R. M. Pillsbury,	1870
W. J. Bond,	1862 to 1864		

Ward 5.

Thomas W. Hix,	1854	T. K. Osgood,	1862
Ephraim Hall,	1855	Leander Weeks,	1863 to 1866
Samuel Libby,	1856	Oliver G. Hall,	1866 to 1868
J. A. Ingraham,	1857 to 1859	Oliver P. Hix,	1868 to 1870
Ephraim Hall,	1859 to 1861	John Lovejoy,	1870
Charles R. Whitney,	1861		

Ward 6.

A. C. Spalding,	1854	Joseph Kalloch,	1862 to 1864
Henry Ingraham,	1855	Ira B. Ellems,	1864
Elkanah S. Smith,	1856 to 1858	Freeman Harden,	1865 to 1867
Sanford Starrett,	1858	Joseph Emery,	1867 to 1870
S. H. Burpee,	1859 to 1861	E. K. Glover,	1870
Freeman Harden,	1861		

Ward 7.

Jeremiah Tolman,	1854 to 1856	C. C. Lovejoy,	1863
John Bird,	1856	Alden Ulmer,	1864
Oliver B. Brown,	1857	James Walsh,	1865 to 1867
James W. Ormsbee,	1857	Harrison Farrand,	1867
Timothy Williams,	1859 to 1861	Timothy Williams,	1868
William Thompson,	1861	John Bird,	1869 and 1870

PRESIDENTS OF COMMON COUNCIL.

Elijah Walker,	1854	John S. Case,	1863
Charles L. Allen,	1855	G. W. Kimball Jr.,	1864 to 1866
Larkin Snow,	1856	E. R. Spear,	1866
E. W. Pendleton,	1857	Wm. H. Titcomb,	1867
Fuller G. Cook,	1858	John S. Case,	1868
Freeman Harden,	1859 to 1861	R. M. Pillsbury,	1869
E. R. Spear,	1861 to 1863	Theo. E. Simonton,	1870

CLERKS OF COMMON COUNCIL.

N. C. Woodard,	1854 to 1856	Wm. A. Barker,	1859 to 1861
Z. Pope Vose,	1856 to 1858	Enoch Davies,	1861 to 1870
N. C. Woodard,	1858		

COUNCILMEN.

Ward 1.

Calvin Hall,	1854	Charles L. Allen,	1863
Azariah Stanley,	"	J. T. Young,	"
Patrick Simonton,	"	Jackson Weeks,	"
Calvin Hall,	1865	Jackson Weeks,	1864
Azariah Stanley,	"	S. N. Hatch,	"
George D. Wooster,	"	F. B. T. Young,	"
Calvin Hall,	1866	Jackson Weeks,	1865
Hiram Brewster,	"	S. N. Hatch,	"
George D. Wooster,	"	Philo Thurston,	"
J. T. Young,	1857–8	Lysander Fales,	1866
A. L. Tyler,	"	Nathaniel Nichols,	"
Hiram Brewster,	"	M. A. Achorn,	"
A. L. Tyler,	1859	Lysander Fales,	1867
Charles L. Allen,	"	Joseph Packard,	"
J. T. Young,	"	A. L. Tyler,	"
Charles L. Allen,	1860	A. J. Bird,	1868
Walter Philbrick,	"	Anson Butler,	"
George D. Wooster,	"	Philo Thurston,	"
Charles L. Allen,	1861	Anson Butler,	1869
S. T. Cleveland,	"	F. B. T. Young,	"
W. O. Hewett,	"	H. Merriam,	"
W. Philbrick,	1862	Horace Merriam,	1870
W. O. Hewett,	"	F. B. T. Young,	"
Charles L. Allen,	"	Wm. J. Thurston,	"

Ward 2.

Isaac Ingraham, 2d,	1854–5	B. B. Bean,	1858
Charles L. Allen,	"	A. T. Low,	1859
Charles Crockett,	"	Nathan Sleeper,	"
George A. Stevens,	1856	Knott C. Rankin,	"
Charles Crockett,	"	William Wilson,	1860
Wm. B. Robinson,	"	A. T. Low,	"
E. W. Pendleton,	1857	Benj. Knowlton,	"
Wm. B. Robinson,	"	A. T. Low,	1861
DeMerrick Spear,	"	L. Thomas,	"
Nathan Sleeper,	1858	R. C. Thomas,	"
Wm. B. Robinson,	"	Joseph Furbish,	1862

COUNCILMEN—Ward 2, (Continued).

R. C. Thomas,	1862	Wm. J. Atkins,	1866
C. A. Keene, Jr.,	"	R. C. Thomas,	1867
Joseph Furbish,	1863	Wm. J. Atkins,	1867
Benj. Knowlton	"	Benj. Knowlton,	"
George W. White,	"	E. H. Orbeton,	1868
Isaac Gregory,	1864	R. W. Messer,	"
George A. Stevens,	"	W. R. Pendleton,	"
Aaron Howes,	"	W. R. Pendleton,	1869
J. H. Handley,	1865	R. W. Messer,	"
Aaron Howes,	"	A. E. Hewett,	"
Gorham Clough,	"	S. W. Veazie.	1870
Alfred Sleeper,	1866	A. E. Hewett,	"
R. C. Thomas,	"	R. W. Messer.	"

Ward 3.

John S. Case,	1854–5	Geo. W. Kimball, Jr.,	1864
John Wakefield,	"	Albert F. Ames,	"
Samuel Rankin,	"	Allen Bowler,	"
A. L. Lovejoy,	1856–7	Geo. W. Kimball, Jr.,	1865
Leonard Campbell,	"	Thomas W. Hix,	"
O. J. Conant,	"	Francis Cobb,	"
F. G. Cook,	1858	E. R. Spear,	1866–7
P. W. Walsh,	"	T. E. Simonton,	"
Ephraim Gay,	"	W. H. Titcomb,	"
Charles Clark,	1859	John S. Case,	1868
Allen Bowler,	"	Thomas W. Hix,	"
Heman Burpee,	"	J. W. Crocker,	"
L. C. Pease,	1860–1	Thomas W. Hix,	1869
George W. Kimball, Jr.,	"	C. P. Fessenden,	"
E. R. Spear,	"	Joseph Abbott,	"
George W. Kimball, Jr.,	1862	C. P. Fessenden,	1870
E. R. Spear,	"	O. N. Blackington,	"
John S. Case,	"	T. E. Simonton.	"
John S. Case,	1863		
Allen Bowler,	"		
Albert F. Ames,	"		

Ward 4.

John Spofford,	1854	O. P. Mitchell,	1856
Elijah Walker,	"	F. Harrington,	"
G. J. Burns,	"	G. J. Burns,	"
F. Harrington,	1855	C. G. Moffitt,	1857
Elijah Walker,	"	A. C. Wicker,	"
G. J. Burns,	"	G. J. Burns,	"

COUNCILMEN—WARD 4 (CONTINUED).

H. H. Burpee,	1858	Nathaniel Jones,	1865
O. H. Perry,	"	H. M. Brown,	"
G. J. Burns,	"	E. E. Wortman.	"
William J. Bond.	1859	F. Harrington,	1866
F. B. Farwell,	"	Nathaniel Jones,	"
John Crockett,	"	E. H. Cochran,	"
William J. Bond,	1860–1	F. Harrington,	1867
John Crockett,	"	E. H. Cochran,	"
O. C. Ludwig,	"	J. S. Willoughby,	"
John Crockett,	1862	R. M. Pillsbury,	1868
John P. Wise,	"	J. S. Willoughby,	"
Nathaniel Meservey,	"	John T. Berry, 2d,	"
John Crockett,	1863	R. M. Pillsbury,	1869
John P. Wise,	"	John T. Berry, 2d,	"
R. M. Pillsbury,	"	Nathaniel Jones,	"
John Crockett,	1864	Walter J. Wood,	1870
R. M. Pillsbury,	"	Nathaniel Jones,	"
E. E. Wortman,	"	O. S. Andrews,	"

WARD 5.

Jeremiah Berry,	1854	O. P. Hix,	1862
Ephraim Hall,	"	M. L. Simmons,	"
David Robinson,	"	George W. Berry,	"
Maynard Sumner,	1855	O. P. Hix,	1863
David Robinson,	"	George W. Berry,	"
Samuel Libby,	"	Edwin Sprague,	"
O. B. Fales,	1856	C. N. Germaine,	1864–5
Larkin Snow,	"	S. E. Benson, Jr.,	"
John Merrill,	"	L. M. True,	"
C. R. Whitney,	1857	S. E. Benson, Jr.,	1866
J. R Richardson,	"	O. P. Hix,	"
Leander Weeks,	"	Charles R. Whitney,	"
Alfred B. Cobb,	1858	Oliver P. Hix,	1867
Charles R. Whitney,	"	A. K. Spear,	"
Leander Weeks,	"	Jonathan Crocker,	"
Leander Weeks,	1859	Alfred K. Spear,	1868
J. R. Richardson,	"	Richard C. Hall,	"
John Lindsey,	"	George L. Snow,	"
J. R. Richardson,	1860	Richard C. Hall,	1869
M. L. Simmons,	"	George L. Snow,	"
A. M. Snow,	"	John Lovejoy,	"
M. L. Simmons,	1861	J. Wesley Soule,	1870
O. P. Hix,	"	J. C. Blagden,	"
C. H. Cables,	"	Alfred Eugley.	"

COUNCILMEN, (Continued).

Ward 6.

Samuel H. Burpee,	1854	Thomas Colson,	1862
Daniel C. Haskell,	"	J. C. Ingraham,	1863
F. W. Rhoades,	"	Ira B. Ellems,	"
Samuel H. Burpee,	1855	William H. Glover,	"
Freeman Harden,	"	Freeman Harden,	1864
D. H. Ingraham,	"	William H. Glover,	"
John C. Hilt,	1856	I. A. Jones,	"
Sanford Starrett,	"	Thomas Colson,	1865
Benjamin Hardy,	"	I. A. Jones,	"
John C. Hilt,	1857	Ambrose S. Cobb,	"
Sanford Starrett,	"	Joseph Emery,	1866
Thomas B. Glover,	"	Ambrose S. Cobb,	"
Alfred Keen,	1858	Thomas Colson,	"
William Butler, Jr.,	"	E. K. Glover,	1867-8
Thomas B. Glover,	"	A. J. Erskine,	"
Freeman Harden,	1859-60	Eli P. Hall,	"
H. E. Ingraham,	"	A. J. Erskine,	1869
Charles Glover,	"	E. K. Glover,	"
A. McKellar, Jr.,	1861	J. H. Flint,	"
D. F. Miller,	"	Freeman Harden,	1870
Thomas Colson,	"	L. W. Lawry,	"
J. C. Ingraham,	1862	Oliver A. Clark.	"
Ira B. Ellems,	"		

Ward 7.

Oliver B. Brown,	1854-5	Alden Ulmer,	1860
Jonathan Spear,	"	James Ulmer,	1861
John Bird, Jr.,	"	William Spofford,	"
Oliver B. Brown,	1856	O. P. Tolman,	"
Jonathan Spear,	"	O. P. Tolman,	1862
J. W. Ormsbee,	"	Jonathan Spear,	"
S. B. Ulmer,	1857	Alden Ulmer,	"
J. W. Ormsbee,	"	M. S. Adams,	1863
A. J. Hewett,	"	O. P. Tolman,	"
John Bird, Jr.,	1858	O. D. Brown,	"
C. C. Lovejoy,	"	C. Hanrahan,	1864
John Brown, 2d.,	"	S. M. Bird,	"
Robert Crockett,	1859	E. P. Lovejoy,	"
Harrison Farrand,	"	Silas Farrington,	1865
Zenas G. Shuman,	"	William N. Ulmer,	"
Robert Crockett,	1860	Dudley T. Keen,	"
William Russell,	"	Oscar Davis,	1866

COUNCILMEN—Ward 7, (Continued).

C. Hanrahan,	1866	Thomas B. Spear,	1869
O. B. Ulmer,	"	L. S. Benner,	"
Silas Farrington,	1867	E. H. Bartlett,	"
O. M. Lampson,	"	C. C. Lovejoy,	1870
William N. Ulmer,	"	Jonathan Spear,	"
Fred. T. Ulmer,	1868	Edward E. Ulmer	"
O. M. Lampson,	"		
T. B. Spear.	"		

CITY TREASURERS.

Chas. R. Mallard,	1854 to 1857	Walter E. Tolman,	1858
Maynard Sumner,	1857	Leander Weeks,	1859 to 1870

CITY MARSHALS.

David M. James,	1854 to 1856	Asa Crockett.	1861 to 1864
C. A. Libby,	1856 to Oct. 1857	Alden Ulmer,	1864
R. Anderson,	Oct.'57 to Mar.'58	S. W. Laughton,	1865 to Sept. 1868
Ephm. G. Hewett,	1858	J. S. Willoughby,	Nov. 1'68 to Apr'69
T. W. Chadbourne,	1859	J. H. Robbins,	1869
Stephen Richards,	1860	L. D. Carver,	1870

ROAD COMMISSIONERS AND HIGHWAY SURVEYORS.

William Perry,	1854	Freeman Harden,	1959
William Perry,	1855	Harrison Farrand,	"
George W. Case.	"	Walter Philbrick,	1860
Harrison Farrand,	"	Benjamin Knowlton,	"
H. H. Spear,	1856	John Arnold, Jr.,	"
A. C. Spalding,	1857	James R. Smith,	"
James Jones,	1858	W. C. McIntosh,	"
Albion Hewett,	"	F. Harden,	"
David F. Conant,	"	O. B. Ulmer,	"
D. M. Mitchell,	"	W. Philbrick,	1861
G. W. Berry,	"	B. Knowlton,	"
W. Butler, Jr.,	"	Leonard Roberts,	"
Isaac Orbeton,	"	J. R. Smith,	"
F. L. Jones,	1859	W. C. McIntosh,	"
Charles Crockett,	"	F. Harden,	"
Andrew Rankin,	"	Benjamin Clough,	"
O. P. Mitchell,	"	W. Sprague,	1862
John Lindsey,	"	A. E. Hewett,	"

ROAD COMMISSIONRS, (Continued.)

Wm. Gay,	1862	Isaac Gregory,	"
J. R. Smith,	"	Charles W. Snow,	"
M. L. Simmons,	"	J. R. Smith,	"
J. C. Ingraham,	"	M. L. Simmons,	"
James Ulmer,	"	John W. Kiff,	"
W. Sprague,	1863	Benjamin Clough,	1864
Charles Crockett,	"	Benjamin Clough,	1865
Fisher Gay,	"	Jonathan Spear,	1866
J. R. Smith,	"	Benjamin Clough,	1867
Israel I. Mather,	"	M. L. Simmons,	1868
J. C. Ingraham,	"	Thomas W. Hix,	1869
Benjamin Clough,	"	M. L. Simmons,	1870
W. Sprague,	1864		

SUPERINTENDING SCHOOL COMMITTEES.

S. C. Fessenden,	1854	Henry Paine,	1864
W. G. Frye,	"	William Wilson,	"
I. S. Kalloch,	"	Alden Sprague,	"
S. C. Fessenden,	1855	Henry Paine,	1865
I. S. Kalloch,	"	Alden Sprague,	"
T. K. Osgood,	"	E. F. Cutter,	"
J. O. Skinner,	1856	Henry Paine,	1866
T. K. Osgood,	"	Alden Sprague,	"
J. O. Skinner, (Supervisor)	1857	C. N. Germaine,	"
G. S. Slattery, "	1858	Henry Paine,	1867
J. O. Skinner,	1859	C. N. Germaine,	"
N. Butler,	"	A. L. Tyler,	"
W. E. Tolman,	"	Henry Paine,	1868
Henry Paine,	1860	A. R. Abbott,	"
S. C. Fessenden,	"	A. L. Tyler,	"
O. G. Hall,	"	A. R. Abbott,	1869
Henry Paine,	1861-3	Davis Tillson,	"
O. G. Hall,	"	Thomas Frye,	"
T. K. Osgood,	"	Davis Tillson,	1870
O. G. Hall,	1863	A. L. Tyler,	"
Henry Paine,	"	David Boyd,	"
Alden Sprague,	"		

CHIEF ENGINEERS OF FIRE DEPARTMENT.

N. A. Burpee,	1854 to 1857	John Lindsey,	1867
I. K. Kimball,	1857	N. A. Burpee,	1868 to 1870
H. G. Berry,	1858	H. G. Bird,	1870
N. A. Burpee,	1859 to 1867		

OVERSEERS OF THE POOR.

George S. Wiggin has been chairman of the Board of Overseers of the Poor from 1854 to 1870, with the exception of the year 1858. The other members of the Board have been as follows:

Charles Crockett,	1854 to 1856	Wm. J. Bond,	1861
Oliver B. Brown,	" "	O. C. Ludwig,	"
Jonathan Spear,	1856	George W. Berry,	1862
F. Harrington,	"	Jonathan Spear,	"
Isaac Gregory,	1857	George W. Berry,	1863
Leander Weeks,	"	Robert Crockett,	"
Arthur Lovejoy,	1858	Calvin Hall,	1864
J. W. Ormsbee,	"	R. M. Pillsbury,	1864
Sanford Starrett,	"	Calvin Hall,	1865 to 1868
Jonathan Spear,	1859	I. A. Jones,	" "
Robert Crockett,	"	S. M. Bird,	1868 to 1870
W. J. Bond,	1860	John W. Hunt,	" "
Robert Crockett,	"		

ASSESSORS.

George S. Wiggin,	1854	W. J. Bond,	1863
Alden Ulmer,	"	Freeman Harden,	1864
A. J. Bird,	"	Wm. J. Bond,	"
Jeremiah Tolman,	1855	Hiram Brewster,	"
Isaac Gregory,	"	Freeman Harden,	1865
Freeman Harden,	"	Wm. J. Bond,	"
John Bird,	1856	Robert Crockett,	"
O. J. Conant,	"	W. J. Bond,	1866
Jeremiah Tolman,	"	Robert Crockett,	"
Freeman Harden,	1857	Harrison Farrand,	"
Davis Tilson,	"	Wm. J. Bond,	1867
E. W. Pendleton,	"	Freeman Harden,	"
Richard Walker,	1858	C. R. Mallard,	"
Oliver B. Brown,	"	Wm. J. Bond,	1868
Azariah Stanley,	"	Anson Butler,	"
Freeman Harden,	1859 to 1862	Robert Crockett,	"
G. D. Wooster,	" "	Anson Butler,	1869
Jeremiah Tolman,	" "	Freeman Harden,	"
Jeremiah Tolman,	1862	E. L. Lovejoy,	"
R. C. Thomas,	"	Freeman Harden,	1870
M. A. Achorn,	"	C. G. Moffitt,	"
Freeman Harden,	1863	E. L. Lovejoy,	"
O. J. Conant,	"		

CITY PHYSICIANS.

J. W. Robinson,	1854 to 1856	T. L. Estabrook,	1862
W. A. Banks,	1856	P. T. Prescott,	1863
Joel Richardson,	1857	C. N. Germaine,	1864 to 1866
Wm. A. Banks,	1858	Wm. A. Banks,	1866 to 1868
P. T. Prescott,	1859	John Esten,	1858
C. N. Germaine,	1860 to 1862	T. L. Estabrook,	1869 and 1870

CITY OFFICERS.

NOTE.—The reference to the Revised Statutes in the following pages, and in the Appendix, are to the Revision of 1870, compiled from the official copy [December 1870], before publication.—*City Clerk.*

ELECTED BY THE CITIZENS ON THE SECOND MONDAY OF MARCH, ANNUALLY. City Charter, §§16, 17, 18.

Mayor.
Seven Aldermen.
Twenty-one Common Councilmen.
Seven Wardens.
Seven Ward Clerks.
Seven Ward Constables.
Once in Four Years:—Judge of Police Court. Amend. Cons., art. ix, §8. R. S., c. 132, §1.

ELECTED BY CITY COUNCIL IN JOINT CONVENTION.

Assessors. Charter, §6. R. S., c. 3, §10.
City Clerk. Charter, *ante*, §20. Rev. Ord. c. 4. R. S., c, 3, §10
Collector and Treasurer. R. S., c. 3, §10
Overseers of Poor. R. S., c. 3, §10; c. 24, §4.
City Marshal. Charter *ante*, §4. Rev. Ord. c. 2.
City Solicitor. Rev. Ord. *ante*, c. 5.
City Physician. Rev. Ord., *ante* ,c. 6.
City Road Commissioners. Rev. Ord., c. 9. R. S., c. 18, §60.
Health Committee. R. S., c. 14, §14.
Street Engineer. Rev. Ord., c. 8.
Superintending School Committee. R. S., c. 11, §§10, 11.
Fire Department—Chief Engineer and Assistant Engineers. Rev. Ord., *ante*, c. 12. R. S., c. 26, §6.
Persons to make complaint against truants. Rev. Ord. c. 17. R. S., c. 11, §13.
Fence Viewers. R. S., c. 3, §10.
Pound Keepers. R. S., c. 23, §6.
Sealers of Leather. R. S., c. 3, §10.
Measurers of Coal. R. S., c. 41, §§11, 12, 13.
Surveyors of Boards, Plank, Timber and Joist. R. S., c. 41, §14.
Surveyors of Shingles, Clapboards, Staves and Hoops. R. S., c. 41, §14.

Viewers and Cullers of Hoops and Staves. R. S., c. 41, §14.
Tythingmen. R. S., c. 3, §10.
Officers to visit passenger vessels. R. S., c. 24, §41.

APPOINTED BY THE MAYOR AND ALDERMEN.

Measurers of Wood and Bark. Rev. Ord. c. 15. R. S., c. 3, §10.
Inspectors of Coal Baskets. R. S., c. 41, §9.
Inspectors of Boats and Lighters. R. S., c. 36, §20.
Inspectors of Sole Leather. R. S., c. 39, §26.
Measurers of Salt, Corn and Grain. Rev. Ord., c. 16. R. S., c. 38, §55.
Sealer of Weights and Measures. R. S., c. 43, §5.
Surveyors of Logs. R. S., c. 41, §14.
Weighers of Beef. R. S., c. 38, §31.
Enginemen. R. S., c. 26, §1. Rev. Ord., *ante*, c. 12.
Inspectors of Flour. R. S., c. 38, §§36 to 43.
Persons to seize unlawful Coal Baskets. R. S., c. 41, §9.
City Undertakers. Rev. Ord., c. 7.

LICENSED BY MAYOR AND ALDERMEN.

Auctioneers. R. S., c. 34, §1. R. S., c. 34, §§1, 3.
Pawnbrokers. R. S., c. 35, §1
Intelligence Offices. R. S., c. 35, §6.
Billiard Rooms. R. S., c. 29, §4.
Bowling Alleys. R. S., c. 29, §4.
Public Shows and Exhibitions. R. S. c. 29, §2.
Stationary Steam Engines. R. S., c. 17, §17.
Fireworks. R. S., c. 128, §2.
Agent for sale of Liquors. R. S., c. 27, §26.

LICENSED BY MAYOR, ALDERMEN, TREASURER AND CLERK.

Innholders and Victualers. R. S., c. 27, §1.

APPOINTED BY CITY MARSHAL, APPROVED BY MAYOR AND ALDERMEN.

Police Officers. Rev. Ord., *ante*, c. 3.
Deputy Marshal. Rev. Ord., c. 2.

ELECTED BY COMMON COUNCIL.

President Common Council. Charter, *ante*, §19.
Clerk Common Council. Charter, *ante*, §19.

POWERS AND DUTIES OF CITY OFFICERS, AS FIXED BY STATUTE.

Aldermen.

To prepare lists of voters. R. S., c. 4, §§2, 26.

To issue warrants for all State and City elections. R. S., c. 4, §39.

Meetings of, to correct lists between 11th and 18th days of August. R. S., c. 4, §3.

To deposit revised lists with City Clerk. R. S., c. 4. §4.

To meet to correct lists on three secular days preceding election. R. S., c. 4. §7.

To post up copy of lists in one or more public places. R. S. c. 4, §§4, 16.

To post up copy of lists in each ward. R. S., c. 4, §16.

To post up copy of lists on or before the 20th of February, annually. R. S., c. 4, §11.

Not to strike out names from lists without notice. R. S., c. 4, §5.

Duties of, respecting papers of naturalization. R. S., c. 4, §6.

Duties of, in elections of President and Vice President of the United States. R. S., c. 4, §§78, 79.

Duties of, respecting transfer of names from one list to another. Laws 1859, p. 98. R. S., c, 4, §16.

Meetings of, to examine returns of votes. Amendment to Constitution, art. 1.

Mayor and Aldermen.

To make regulations for keeping and transporting Gunpowder. R. S., c. 26, §24.

To construct public drains and sewers and have control and direction thereof. Laws of 1850, c. 153, and c. 3, Laws of 1853. R. S., c. 16.

Duties in relation to burnt, dilapidated or dangerous buildings. R. S., c. 17, §§26 to 30.

Duties of, in relation to inquests in cases of suspected incendiarism. R. S., c 26, §§29 to 33.

To appoint Auctioneers. R. S., c. 34, §1, and Laws of 1865.

To grant licenses to persons to keep Billiard Rooms. R. S., c. 29, §4.

To grant licenses to persons to keep Bowling Alleys. R. S. c. 29, §§3, 4, 5.

To grant licenses to Innholders and Victualers. R. S. c. 27, §1.

To grant licenses for public exhibitions. R. S., c. 29, §2.

To grant licenses for keeping Intelligence Offices. R. S. c. 35, §6.

To appoint persons to seize baskets used to measure charcoal in violation of Statute. R. S., c. 41, §9.

To examine insane persons and send them to Insane Hospital. R. S., c. 143, §12.

To certify inability of a person sent to hospital to pay for his support. R. S., c. 143, §13.

Application of, for appointment of guardian for insane person. R. S., c. 143, §25.

To appoint measurers of corn, salt and grain and establish their fees. R. S., c 38, §55.

To appoint Enginemen. R. S., c. 26, §1. See Laws of 1860, c. 145.

To fix salary of Police Judge. R. S., c. 132, §1.

To grant licenses for Stationary Steam Engines. R. S., c. 17, §17.

Duties of, in relation to applications for license for same. R. S., c. 17, § 18.

To grant licenses to Pawnbrokers. R. S., c. 35, §1.

To assign places for wholesome employments. R. S., c. 17, §6.

Duty of, in relation to bricks and brick-kilns and burning bricks. R. S., c. 17, §9.

Duty of, in relation to landing passengers from vessels. R. S., c. 24, §39.

To grant licenses for sale of fireworks. R. S., c. 128, §2.

To give consent for railroads to cross public streets. R. S., c. 51, §13.

Duties of, in cases of infected articles. R. S., c. 14, §6 and 7.

Duties of, in cases of infectious diseases. R. S., c. 14, §1 to 4.

Duty of, in cases of riots and unlawful assemblies. R. S., c. 123, §4.

To cause city lines to be perambulated. R. S. c. 3, §41.

To appoint Sealer of Weights and Measures. R. S., c. 43, §5.

To examine unclaimed baggage of railroad passengers and cause sale of same. R. S., c. 51, §44.

Duties of, in preparing lists of Jurors. R. S., c. 106, §1.

Duties of, in selection of Jurors. R. S., c. 106, §§1, 2, 11.

To cause vessels to perform quarantine. R. S., c. 14, §§17 to 25.

Duties of, in relation to extension of wharves into tide waters. R. S., c. 17, §25.

To direct where Sail Makers, Riggers and Livery Stable Keepers may carry on their business. R. S., c. 26, §16.

To direct removal or repair of defective chimneys. R. S., c. 26, §17.

Mayor.

When to have casting vote in elections of officers. Laws of 1855, p. 130. and R. S., c. 3, §27.

City Council.

Power to regulate sale of Fresh Fish, Meats, &c. R. S., c. 3, §40, item 10.

Power in relation to Shade and Ornamental Trees in Squares, Streets, &c. R. S., c. 18, §49, and R. S. c. 127, §7.

Duties of, in relation to changes in Boundaries of Wards. R. S., c. 3, §24.

Duties of, in relation to vessels with passengers. R. S., c. 14, §18.

Purposes for which they may make Ordinances. R. S., c. 3, §40, c. 41, §1.

City Clerk.

May appoint a Deputy for certain purposes. R. S., c. 91, §2.

To make records of Births, Marriages and Deaths. R. S., c. 59, §20.

To keep Check Lists used at September elections unaltered one year and furnish copies when required. R. S., c. 4, §26.

To make return of Births, Marriages and Deaths to Secretary of State. Laws of 1865, c. R. S., c. 59, §20.

APPENDIX.

POWERS AND DUTIES OF CITIES AND TOWNS.

POWER TO RAISE MONEY.

Not less than one dollar for each inhabitant in support of school; all necessary sums for maintenance of poor; making and repairing highways; for burying grounds, hearse and hearse house, and all other necessary town charges. R. S., c. 3. §35; R. S., c. 15; R. S. c. 11, §5; R. S. c. 18, §§44, 55.

For the publication of their own histories. R. S., c. 3, §36.

By loan or tax not exceeding 5 per cent. of valuation of such city or town for construction of railroads. R. S., c. 51, §§80, 81, 82.

For erection of monuments to deceased soldiers to an amount not exceeding $5000. R. S. c. 3, §36.

For public libraries. R. S., c. 55, §§9, 10.

In school districts refusing to appropriate. R. S., c. 11, §27.

Towns may tax dogs one dollar each. R. S., c. 6, §7.

POWERS OF TOWNS AND CITIES TO MAKE BY-LAWS.

No by-law or ordinance shall be inconsistent with the laws of the State, nor be enforced by unsuitable penalties. R. S., c. 3, §40. City charter, §1.

1st. May make by-laws or ordinances for managing their prudential affairs, but no penalty shall exceed five dollars, and all such by-laws must be approved by county commissioners or a judge of the supreme judicial court. R. S., c. 3, §40.

2d. For establishing police regulations, R. S., c. 3, §40.

3d. Respecting infectious diseases and health. R. S., c. 3, §40.

4th. Regulating the going at large of cattle, swine and dogs therein. R. S., c. 3, §40.

5th. Respecting the measure and sale of wood, bark and coal brought to market, and teams coming therewith. R. S., c. 3, §40. c. 30, §1.

6th. Reserving streets for sidewalks, keeping them clear of obstructions and planting trees by the side thereof. R. S., c. 3, §40.

7th. Respecting the erection of buildings in whole or in part constructed of wood, and defining their dimensions. R. S., c. 3, §40.

8th. For the due regulation of omnibuses, coaches or any carriage or vehicle used wholly or in part for the pleasure or convenience of passengers; establishing routes of; places of standing; rates of fare, &c. The penalty of such ordinances shall not exceed twenty dollars, and they shall be published one week at least before taking effect. R. S., c. 3, §40.

9th. For the protection of persons against the sliding of snow or ice from roofs of buildings. R. S., c. 3, §40.

10th. Cities have power to regulate sale of fresh meat and fish, and establish localities for their sale. Public Laws 1862, c. 79. R. S., c. 3, §40.

11th. Respecting fire engines, appointment of men and officers, and establishing their pay. Laws 1860, c. 145, R. S., c. 26, §§1, 24, 27.

12th. Respecting the keeping and transporting of gunpowder; penalty for violation to be not less than twenty nor more than one hundred dollars and a liability to forfeiture. R. S., c. 26, §24.

13th. For preservation of health and protection against contagious diseases. R. S., c. 14, §36.

14th. May make by-laws concerning truants and truant children between the ages of 6 and 17 years, but such by-laws must be approved by a judge of the supreme judicial court, and the penalty must not exceed twenty dollars. R. S., c. 11, §13.

SCHOOLS AND SCHOOL DISTRICTS.

Municipal officers may locate school houses when district disagree. R. S., c. 11, §32.

Municipal officers may make appraisal of damages for land taken for school houses. R. S., c. 11, §33.

School districts shall not be altered, discontinued or annexed to others, except upon the written recommendation of the municipal officers and superintending school committee, accompanied by a statement of facts, and on conditions proper to preserve the rights and obligations of the inhabitants. R. S., c. 11, §1.

Two or more towns may unite in establishing school districts. R, S., c. 11, §40.

Municipal officers, when no others are appointed, may hold ministerial and school fund. R. S., c. 12, §41.

FIRES AND FIREMEN.

Municipal officers of towns may appoint not exceeding sixty men to each engine; may approve of regulations and rules made by such enginemen not repugnant to law, and not exceeding in penalty six dollars for each offence. Such companies shall meet

once a month, or oftener if necessary, to examine their engines, and municipal officers shall discharge negligent members and appoint others in their place. R. S., c. 25, §§1, 2, 3, 4.

Towns shall elect firewards, who shall have power to command assistance at fires, to appoint guards, and generally direct all operations to prevent further destruction or damage. R. S., c. 26, §§6, 7, 8.

Towns shall pay for demolition of buildings, done to stop spread of fire. R. S., c. 26, §10.

Municipal officers of maritime towns may assign places of business for sail-makers and livery stable keepers. R. S., c. 26, §16.

Municipal officers may cause to be removed or repaired defective chimneys, stove-pipes, ovens, boilers, furnaces, and appurtenances, on complaint of any fireward or other citizen. R. S., c. 26, §17.

Municipal officers of towns may make regulations as to the keeping and transportation of gunpowder, and affix penalties not less than twenty nor more than one hundred dollars, and with legal search warrant enter any building in their town and search for powder supposed to be concealed therein; but all regulations or rules relating to powder shall be published three weeks successively in some county newspaper or by posting up copies in three public places in the town. R. S., c. 26, §§24, 26, 27.

Municipal officers may require innkeepers to be provided with means of escape for their guests in case of fire. Laws 1858, c. 28.

HIGHWAYS.

Municipal officers of towns may lay out, alter or widen town ways and private ways on petition, but shall post written notices seven days previous in the vicinity of the way in two public places, and shall file with the town clerk a return containing bounds and admeasurements of the way and damages allowed, and such way is established when legally accepted by the town. R. S., c. 18, §§18, 19 and 20.

Towns may discontinue public and private ways, and the municipal officers shall estimate the damages; and by an ordinance may set off portions of streets as sidewalks and require them to be kept clear of obstructions, and authorize the planting of trees by their side. R. S., c. 18, §21.

Towns shall pay damages for town or public ways, and individuals for private ways, unless the town otherwise vote. R. S., c. 18, §22.

Towns are liable for injuries caused by not keeping ways safe and convenient for travelers. R. S., c. 18, §§37, 61, 40, 65.

Municipal officers of towns may direct the expenditure of not

exceeding 5 per cent. of highway taxes, in planting trees about burying grounds, public squares and ways, the town so voting. R. S., c. 18, §49.

Municipal officers' written permission must be obtained before constructing water courses by the side of ways to incommode any person's buildings or obstruct his business. R. S. c. 18, §52.

Municipal officers may assess damages caused by raising or lowering a street to the injury of adjoining land, and their decision is final. R. S., c. 18, §53.

Towns may abate not exceeding three dolars to persons for using wide cart wheels on ways, and for maintaining watering troughs. R. S., c. 18, §56.

Towns may authorize surveyors to make contracts for opening and repairing ways, and to collect taxes submitted to them. R. S., c. 18, §57.

Towns may authorize road commissioners to receive money in payment of taxes and to discount for prompt payment; and shall require bonds from such commissioners, approved by municipal officers, for faithful discharge of duty. R. S., c. 18, §64.

Municipal officers' written consent must be obtained before an excavation near a street or highway can be made. R. S., c. 18, §79.

Towns may direct the manner in which the surveyor shall remove snow from highways. R. S., c. 18, §46.

Charters of cities shall not be construed to deprive county commissioners of the power to lay out, alter or discontinue county roads within such cities. R. S., c. 18, §1.

Municipal officers of towns and cities may lay out winter roads for hauling wood and lumber. R. S., c. 18, §19.

Towns shall erect and maintain guide posts at all points where highways cross or enter each other under a penalty not exceeding fifty dollars. R. S., c. 18, §77.

Municipal officers may take down, or cause to be taken down, fences upon the line of highways during the winter to prevent drifting of snow, and cause the same to be replaced in due season. R. S., c. 18, §47.

DRAINS AND SEWERS.

Municipal officers' written consent must be obtained before any highway can be dug up for laying or repairing any drain. R. S., c. 16, §1.

Municipal officers may grant written permits to applicants to enter and connect with public drains. R. S., c. 16, §4.

Towns shall keep all public drains in repair. R. S., c. 16, §9.

Towns may repair private drains which are injuring a highway.

the owner after notice neglecting so to do, at the expense of such owner. R. S., c. 16, §12.

Municipal officers may determine the proportion to be paid by parties entering a private drain. R. S., c. 16, §14.

Municipal officers may construct public drains in highways or through lands of private persons or corporations, when public health or convenience demand. Laws 1860, c. 153. R. S., c. 16, §§2, 3.

HEALTH—INFECTIOUS AND CONTAGIOUS DISEASES.

Muncipal officers may remove any person infected with a disease dangerous to the public health, to a separate house. R. S., c. 14, §1.

Municipal officers, having given public notice in their town, may require a person coming from a place where any infectious or malignant distemper is known to exist, to inform them or the town clerk of his arrival under a penalty of one hundred dollars; and said officers may cause to be removed out of the State any person refusing to comply with such regulations. R. S., c. 14, §§2, 3.

Municipal officers may cause to be impressed and taken for safety and relief of the sick, houses, lodgings, nurses, attendants, and other necessaries, and may cause infected articles to be secured. R. S., c. 14, §§5, 6, 7, 8.

Towns may elect a health committee or officer, or failing to do so, municipal officers shall be such committee, and shall have power to cause to be removed any source of filth or other cause of sickness found on private property. R. S., c. 14, §16.

Municipal officers have authority to examine, on oath, masters, seamen or passengers of a vessel suspected of being infected or having come from an infected port. R. S., c. 14, §17.

Municipal officers' written permit must be obtained before any person or thing from an infected vessel can be brought on shore. R. S., c. 14, §18.

Municipal officers may establish quarantine when they deem expedient. R. S., c. 14, §20.

Municipal officers shall inform the pilots of their port of the quarantine, and furnish a suitable number of red flags, one to be kept at the head of the mainmast of the vessel performing quarantine. R. S., c. 14, §§21, 23.

Towns may establish one or more hospitals therein, or municipal officers may license any building therein, as a hospital for small pox or other infectious diseases, and prescribe regulations to govern inmates, nurses and attendants; and municipal officers shall, on the breaking out of small pox or other dangerous disease,

immediately prepare such hospital, and by the displaying of red flags and by other means use all possible care to prevent its spread; and towns may provide for inoculation with cow pox. R. S., c. 14, §§26, 28, 29, 30, 35.

Municipal officers may isolate or cause to be isolated cattle infected with contagious disease, and such officers shall within twenty-four hours after notice cause to be examined any suspected animals, and in their discretion may order such animals to be killed and buried, having first caused them to be appraised; ma make regulations for the passage of animals through their towns; and may establish places for the isolation of such animals. R. S., c. 14, §§37 to 54, inclusive.

NUISANCE.

Municipal officers may adjudge burnt, dilapidated or dangerous buildings a nuisance, and order what disposition or alteration shall be made of the same; and no notice being taken of such order by the owner, may abate such nuisance. R. S., c. 17, §§26, 27, 28, 29, 30.

Municipal officers may assign places for the exercise of unwholesome employments. R. S., c. 17, §6.

Towns may prohibit the burning of brick within such parts thereof as public safety may seem to require. R. S., c. 17, §9.

POUNDS.

Each town shall keep and maintain one or more sufficient pounds, and annually choose a pound-keeper, who shall give bond approved by municipal officers. R. S., c. 23, §§1, 5.

Municipal officers shall fix pound-keepers' price of keeping impounded beasts. R. S., c. 23, §25.

PAUPERS.

Towns are to relieve persons having a settlement therein when on account of poverty they need relief; they may purchase a farm with appurtenances for support of the poor, and may annually choose not exceeding twelve overseers of the poor, who are to have supervision of poor farm and provide generally for relief o the poor. May by complaint to the Supreme Judicial Court cause kindred of paupers to be assessed for their maintenance; may recover of paupers for their maintenance; and shall pay to individuals sums expended by them for the support of paupers; and may require of masters of vessels to give bond or pay a sum per head for the landing of passengers not resident of this State. R. S., c. 24, §§4, 7, 10, 32, 34, 39.

Overseers of poor may bind out poor minor children, and may bind poor adults for one year; shall relieve any destitute, found in their towns, and give notice in writing to towns liable for their support, to which answer shall be made within two months; may remove foreign paupers; may complain of intemperate persons and have them committed to house of correction; and may take possession of deceased paupers' effects. R. S., c. 24, §§18, 20, 24, 27, 28, 33, 35.

INSANE HOSPITAL.

Municipal officers constitute a board of examiners who, upon complaint in writing of any relative or justice of the peace of their town, shall immediately inquire into and commit with certificate to the Insane Hospital any insane person of their town, and shall keep a record of doings. R. S., c. 143, §12.

Municipal officers may certify inability of the person committed to pay for his support, and the steward may charge the State one dollar per week. R. S., c. 143, §13.

Towns committing insane persons are to be charged for their support unless their friends file a bond for it; and are liable for expense of removal of persons unlawfully committed. R. S., c. 143, §§18, 19.

Towns made chargeable by commitment have remedy against the person or those liable for his support. R. S., c. 143, §20.

Municipal officers of the town where the insane person resides are to examine and decide upon his release from Insane Hospital upon application of those liable for his support. R. S., c. 143, §21.

Overseers of poor shall remove insane persons when notified of their recovery by superintendent, or notified to do so by trustees of Insane Hospital. R. S., c. 143, §§22, 23.

FISH.

Municipal officers may grant written permits to take shellfish, menhaden, porgies and lobsters. R. S., c. 40, §20.

MISCELLANEOUS POWERS.

Towns may discount for prompt payment of taxes. R. S., c. 9, §148.

Municipal officers shall examine books of the Treasurer as often as once in three months. R. S., c. 6, §152.

Towns may establish public libraries therein; may raise money and receive and manage donations therefor. R. S., c. 55 §§9, 10.

Towns shall receive one-half of lost goods unreclaimed within the year. R. S., c. 98, §13.

Municipal officers shall examine and cause to be sold unclaimed baggage at railroad depots. R. S., c. 51, §44.

The most ancient town shall give a ten days' notice in writing to adjoining town for perambulation of town line. R. S., c, 3, §41.

Municipal officers, Treasurer and Clerk, constitute a board for the revision of the jury list. Towns in open meeting may strike off but cannot add names to the list. R. S., c. 106, §1.

Board shall revise the jury list once in three years at least. R. S., c. 106, §2.

Towns may build and maintain houses of correction and establish compensation of overseers and managers thereof. R. S., c. 141, §§17, 20.

Towns are liable for injury done by mobs in certain cases. R. S., c. 123, §§7, 8.

Municipal officers shall make inquisition into facts in application for appointment of guardian when required by warrant of judge of probate. R. S., c. 67, §6.

Towns may draw water from aqueducts in case of fire. R. S., c. 54, §8.

Municipal officers shall appoint special police for camp-meetings when requested by presiding elder, preachers in charge, or tent-masters of such meetings. R. S., c. 124, §18.

Municipal officers are to sign indentures of minors without guardians or parents. R. S., c. 62, §1.

Towns shall take from keepers of bowling alleys and billiard room keepers, a bond not to allow gambling, drinking, &c., therein. R. S., c. 29, §5.

Municipal officers and constables shall promptly enforce laws against drinking and gambling houses and houses of ill-fame. R. S. c. 27, §55, c. 124, §9, c. 125, §1.

The Mayor may remove all officers appointed by Mayor and Aldermen, and appointments by Mayor and Aldermen shall be deemed to mean by Mayor with consent and advice of Aldermen. R. S., c. 3, §27.

Acts of cities changing limits of their wards must be approved by vote of the citizens in ward meetings for the election of city officers, regularly called by warrant containing an article for that purpose, otherwise they are of no effect. R. S., c. 3, §24.

ELECTIONS.

QUALIFICATIONS OF VOTERS.

Every male citizen of the United States of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, Senators and Representatives, in the town or plantation where his residence is so established, and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack, or military place, in any town or plantation; nor shall the residence of any student at any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established. Const. of Me., art. 2, §1.

Every person who is qualified by the constitution of this State to vote for Governor, Senators and Representatives, in the town in which he resides, is entitled to vote in the election of all town officers and in all the business affairs thereof. R. S., c. 3, §9.

LIST OF VOTERS.

In every town, where the selectmen are not the assessors, the assessors, on or before the first day of August in each year, shall prepare a list of the persons they judge qualified to vote therein in the election of governor, senators and representatives, and deliver it to the selectmen for their information. R. S., c. 4, §1.

The selectmen of every town, on or before the eleventh day of August in each year, shall prepare a corrected list of persons qualified as aforesaid. R. S., c. 4, §2.

In every town, having by the census of the United States, then last taken, more than three thousand inhabitants, the selectmen shall be in open session to receive evidence of the qualifications of persons claiming the right to vote in any such election, and for correcting said list, for a reasonable time on not exceeding two days, between the eleventh and eighteenth days of August in each year, giving previous notice of the time and place of each session, as their town meetings are notified. R. S., c. 4, §3.

On or before the twentieth day of August annually, the selectmen shall deposit in the office of the town clerk an alphabetical

list of voters thus prepared and revised, and post up a similar list in one or more public places in the town. R. S., c. 4, §4.

After such lists are thus prepared, deposited with the Clerk, and posted up, the selectmen shall not add thereto nor strike therefrom the name of any person, except in open session on one of the days prescribed by law for receiving evidence of the qualifications of voters; nor shall they strike from said list the name of any person residing in the town without notice first given to him that his right to vote is questioned, and an opportunity for hearing on one of such days. But at any regular session for receiving such evidence, the selectmen shall place on the list of voters the name of every person known by or proved to them to be so qualified, whether he applies therefor or not. R. S., c. 4, §5.

When a person of foreign birth exhibits papers of naturalization, issued to him in due form by a court having jurisdiction, to the selectmen of the town, if satisfied of their genuineness, and that such person is entitled to vote, they shall approve such papers by a written endorsement thereon, with the date thereof, signed by one of them; register in a book kept for that purpose the name of the person, the date of the papers, the date of approval, and the name of the court by which they were issued; cause the name of such person to be entered on the list of voters; and continue his name on the successive lists so long as he continues to reside there and is in other respects qualified to vote. If they are of the opinion that such papers are not genuine, or were not issued to the person presenting them, or that he is not for other cause a legal voter, they shall not approve them or perform the other acts required; but he shall not, by their refusal to approve his papers, or to enter his name, be deprived of his right to vote, upon satisfactory proof of it. R. S., c. 4, §6.

The selectmen shall order notice of the time and place of all their sessions to be given in the warrant for calling the town meetings. R. S., c. 4, §10.

The selectmen shall make out a correct and alphabetical list of the inhabitants in their towns qualified to vote in the choice of town officers, and deposit it in the office of the town clerk, and post up a copy thereof in one or more public places in such town, on or before the twentieth day of February annually. R. S., c. 4, §11.

The aldermen and assessors of the cities shall prepare lists of the qualified voters in the several wards thereof for elections of Governor, Representatives to Congress, and electors of President and Vice President, and for the annual city elections, in the same manner as selectmen and assessors are required to prepare them for towns, the aldermen performing the duties of selectmen; and

the wardens shall be governed by said lists. R. S., c. 4, §15.

In all cities having more than one thousand legal voters therein, it shall be the duty of the Aldermen of each city to post up in some public place in each ward a true printed or written list of the legal voters resident in said ward, such list to be posted at least seven days previous to the day of election. R. S., c. 4, §16.

SESSIONS OF ALDERMEN FOR REVISION OF VOTING LISTS.

In all cities and towns in this State having one thousand or more registered voters, it shall be the duty of the Aldermen and selectmen of such cities and towns to receive applications of persons claiming a right to vote, on the three secular days next preceding the day of election; and no application shall be received after the hour of five o'clock afternoon on the secular day next preceding said day of election; and no name shall be added to the list of voters on the day of election by certificate or otherwise. All acts and parts of acts inconsistent with this act are hereby repealed. In cities containing a less number of voters, the aldermen shall hold, prior to the election, the same number of sessions for receiving such evidence, as selectmen of towns having a similar number of inhabitants are required to hold. R. S., c. 4, §45.

REMOVAL FROM ONE WARD TO ANOTHER.

No qualified elector who has removed his residence from one ward to another in any city, within the thirty days next preceding any election, shall vote at such election in the ward to which he has removed, but his name may be placed on the check list of the ward from which he has removed as aforesaid, and he may vote therein. R. S. c. 4, §16.

ELECTIONS IN CITIES.

The inhabitants of cities shall meet as the constitution requires, in ward meetings, to be notified and warned as town meetings for similar purposes are. The Warden shall preside; the Clerk shall make such record as the constitution requires; and the city constables shall preserve order. R. S., c. 4, §39.

If the Warden is absent from any such meeting, or refuses or neglects to preside, a Warden pro tempore shall be chosen, and during such choice the Ward Clerk shall preside; and the Warden pro tempore accepting the trust, shall be duly sworn and have the power and perform the duties of Warden of such meeting, and be liable to like penalties. R. S., c. 4, §40

In voting for Representatives to the State Legislature in the wards of a city, the names shall be on the same ballot with the

other officers to be chosen at the meeting by voters of like qualifications, unless the Board of Aldermen in their warrant notifying the meeting require a separate ballot or ballots, which they may do. R. S., c. 4, §43.

When a choice of any such Representative is not effected the Aldermen shall call new meetings of the wards for the purpose, to be held at the same time, within two weeks after any former meeting, and the like proceedings shall be had at such meetings as at the first, until a choice is effected. R. S., c. 4, §44.

The electors resident in any city may, at any meeting duly notified for the choice of Representatives, vote for such Representatives in their respective ward meetings; and the Wardens in said wards shall preside impartially at such meetings, receive the votes of all qualified electors present, sort, count and declare them in open ward meetings and in the presence of the Ward Clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name; shall make a fair record thereof in the presence of the Warden, and, in open ward meeting; and a fair copy of this list shall be attested by the Warden and Ward Clerk, sealed up in open ward meeting and delivered to the City Clerk within twenty-four hours after the close of the polls; and the Aldermen of any city shall be in session at their usual place of meeting within twenty-four hours after any election, and in the presence of the City Clerk shall examine and compare the copies of said lists, and in case any person shall have received the highest number of votes, he shall be declared elected by the Aldermen, and the City Clerk of any city shall make a record thereof, and the Aldermen and City Clerk shall deliver certified copies of such lists to the person or persons so elected within ten days after the election. And the electors resident in any city may at any meeting duly notified and holden for the choice of any other civil officers, for whom they have been required heretofore to vote in town meeting, vote for such officers in their respective wards, and the same proceedings shall be had by the Warden and Ward Clerk in each ward as in case of votes for Representatives. And the Aldermen of any city shall be in session within twenty-four hours after the close of the polls in such meeting, and in the presence of the City Clerk shall open, examine and compare the copies from the lists of votes given in the several wards, of which the City Clerk shall make a record, and return thereof shall be made into the Secretary of the State's office in the same manner as selectmen of towns are required to do. Amendments Const., art. 1.

ELECTIONS OF WARDENS AND CLERKS IN CITIES.

At the annual election for the choice of Mayor and Aldermen in

the several cities of this State, the qualified electors in each ward shall by written ballot elect a Warden and Clerk, who shall enter upon the duties of their respective offices on Monday next following their election and shall hold their offices for one year therefrom, and until others shall have been elected and qualified in their places. R. S., c. 3, §26.

The clerks of towns shall preserve the check lists used at the September elections for one year thereafter without alteration, and shall furnish to any person an exact copy thereof within twenty days after demand and the payment or tender of legal charges therefor, under a penalty provided in section fifty-one of chapter four of the revised statutes.

The ballot boxes used at elections shall be covered at the top with only a slide opening, and such slide shall not be opened till the name of the person offering his vote is found and checked on the list, and then shall be shut till another voter presents himself, and his name is found and checked; and if the presiding officer or officers do not comply with these requirements, they shall be subject to the penalties provided in chapter four, section fifty-one of the revised statutes.

Any penalties provided for in the two preceding sections hereof or in said chapter four of the revised statutes, in case the Treasurer refuses or neglects for ten days after written request of any voter to commence a suit therefor, may be recovered by said voter in a suit in his own name, to the same uses as specified in said chapter four. R. S., c. 4, §§26, 27, 28.

INSTRUCTIONS FOR WARD OFFICERS.

OF COUNTING VOTES.

Whether there is an election to any office, under the majority law, depends upon whether any person obtains a majority of the whole number of ballots cast for that office. Errors in regard to the whole number of ballots are very frequently made by ward officers, and they should be particularly careful in ascertaining it exactly, and recording it correctly. They should bear in mind that, although several ballots for different offices may be cast upon one ticket, the ballots for each of said offices should be counted separately, as much so as if they were printed on separate tickets and deposited in separate boxes.

For the offices of Governor, Senators, Mayor, Aldermen, Common Councilmen, Constables, Wardens and Clerks, a majority of all the votes thrown is necessary for an election.

For the offices of Representative to Congress, Representatives in the Legislature, County Treasurer, County Commissioner, Clerk of Courts, County Attorney, Register of Deeds, Municipal Judge, and Electors of President and Vice President, the person or persons having the highest number of votes are elected.

When an office is to be filled by but one person, as Governor, Representative to Congress, Register of Deeds, County Treasurer, County Attorney, Clerk of Courts, Mayor, Alderman, Warden, Ward Clerk, the whole number of ballots may be ascertained correctly after counting the votes for each candidate, by adding together all the votes cast for each candidate for the same office.

When the office is to be filled by more than one person, as Senators, Representatives, County Commissioners, Common Councilmen, and constables, the whole number of ballots for each of those officers should be counted separately. Every ballot having upon it one name or more for Senators, should be counted as one ballot for Senators, and every ballot having upon it one name or more for Councilmen should be counted as one ballot for Councilmen, and so on through the whole list of offices to be filled.

The object of the law in ascertaining the whole number of ballots, is to ascertain the whole number of voters who vote for each officer, and therefore if a person votes for only one Senator when he might vote for four, on the same ballot, his vote is to be counted as a bal-

lot in making up the whole number cast for that office. It represents a voter and is a ballot.

But if a person votes for Senators only, that vote would not be counted in making up the whole number for Governor; or if a person votes for Mayor or Aldermen, that vote which is composed of two ballots should be counted as one ballot for Mayor, and one ballot for Alderman, but not as a ballot for common councilmen nor constables, as frequently happens where the tickets are taken as the ballots.

Ward officers must be careful and not call the whole number of tickets, (where more than one office is to be voted for on the same ticket) the whole number of ballots. The tickets taken as the whole number usually make it too large and thereby deprive some candidates of their election, when in fact they receive a majority of the ballots cast for that office for which they are candidates.

OF KEEPING WARD RECORDS.

It is the clerk's duty to copy the proceedings into the ward book during the time of voting, and not copy at some convenient time afterwards, as has been occasionally practiced in some wards.

The warrant calling the meeting and the officer's return thereon should be first copied on the book and certified as true copies. The record should then proceed in this form, varied to meet the circumstances of the case:

Pursuant to the foregoing warrant the inhabitants of Ward No. ———qualified to vote as the law directs, assembled at the time and place and for the purposes therein expressed.

At———o'clock, A. M., the warrant calling the meeting was read by the Warden, who then called upon the inhabitants of said ward qualified by law to vote, to give in their ballots for the purposes expressed in said warrant.

Proceeded to the choice of Warden.

The whole number of ballots for Warden was (*to be written in words at length.*)

Necessary for a choice.

A. B. had

C. D. had

A. B. was elected.

The oath of office was then administered to the Warden elect by ——— ———, justice of peace.

The same form may be used for the election of Clerk. A certified copy of the oath administered by the justice is to be recorded in the records at length.

C. D. and E. F. were chosen to assist the Warden in receiving and counting the votes. At———o'clock P. M. the polls were

closed, and the whole number of ballots given having been sorted and counted by the Warden in the manner provided by law, the result was as follows:

The whole number of ballots for Governor was
E. H. had
K. L. had
The whole number of ballots for Senators was
L. R. had
T. Y. had

and so on through the whole list.

When the election is determined by each ward alone, as Aldermen, Councilmen, &c., the record should be made thus:

The whole number of ballots for Alderman was
Necessary for a choice
A. B. had
E. F. had,
A. B. is elected

and so on through the whole list.

The state of the ballots as sorted, counted and recorded above in open ward meeting, was declared to the meeting by the Warden. The meeting then dissolved, (or adjourned, as the case may be.)

A true record, as made in the presence of the Warden, and in open meeting.

Attest: L. A. C., Ward Clerk.

In case of no choice of such officers, as are determined by each Ward, the Warden, by vote of the meeting, may adjourn the meeting to another day, not more than two days thereafter, to complete such election.

A copy of the record of votes, signed by the Warden and Clerk, should be delivered forthwith to the City Clerk. Within twenty-four hours after an election the Clerk should send to each person elected as Alderman, Common Councilman, or Constable of the ward a certificate of his election.

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